

**THE TURCO-ITALIAN WAR AND
ITS PROBLEMS**

THE TURCO-ITALIAN WAR AND ITS PROBLEMS

WITH APPENDICES CONTAINING THE CHIEF
STATE PAPERS BEARING ON THE SUBJECT

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WITH AN ADDITIONAL CHAPTER
ON MOSLEM FEELING

BY THE
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PREFACE

HOWEVER warranted may be the indignation the war has excited, it is well to hear both sides on the subject; and alongside the question of the injustice of the war is that of bringing it to an early termination. This volume appears while the ultimate result seems still remote. The author hopes that it may contribute to the formation of a public opinion which more than the military and naval forces of either side may force a peace honourable to both belligerents and satisfactory, in some degree at least, to the public conscience of Western Europe.

The valuable and interesting chapter for which he is indebted to his friend, Syed Ameer Ali, shows how desirable it is that whatever terms are concluded, they should constitute an ample indemnity to Turkey. The author has been called to task for suggesting any other solution but Italian evacuation of Tripolitana and Cyrenaica, and, if justice prevailed in the history of nations, this ought, no doubt, to be the solution. As, however, it seems now too late to prevent the commission of the offence, the only course is for the offender to make amends, and this as between nations, in such

circumstances as those of the present war, can only be done by the payment of an adequate indemnity. The amount of the indemnity to Turkey, the public opinion of the British Empire can certainly influence.

In the Appendices will be found a number of documents forming a consecutive statement of facts which may be useful, apart from the immediate issues involved.

The author, in conclusion, has to acknowledge the courtesy of the editors of the *Manchester Guardian* and *Evening Standard* in allowing him to reproduce in several cases matter he had already used in articles contributed to their columns.

P.S.—Since completing this volume the author has been challenged by Turkish friends to draft tentative recommendations on the assumption that both Parties are willing to accept the mediation of Sir Edward Grey and that the Ottoman Government, out of deference to the British Government, would undertake to submit any terms he might suggest, whether approving of them or not, to the Ottoman Parliament. The author has, therefore, sketched out the following terms to show that a possible basis might be found within the provisions of the Hague Peace Convention and the circumstances of the case without committing

Turkey or her Government to the acceptance of any degrading conditions :—

Whereas, under Art. 3 of the Hague Convention for the pacific settlement of international disputes, 1899–1907, Powers strangers to the dispute have the right to offer their good offices or mediation, even during the course of hostilities; and, under Art. 6, good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice, and never have binding force; and, under Art. 7, if mediation occurs after the commencement of hostilities, it causes no interruption to the military operations in progress, unless there be an agreement to the contrary;

Whereas Italy and Turkey are unhappily at war, and an Italian army is in occupation of the coast of Tripolitana and Cyrenaica, and Turkey is faced with the alternative of ceding the said provinces which, owing to Italy's command of the sea, she is unable to defend with any hope of ultimate success or of continuing the war indefinitely with all its attendant miseries and cruelties to a brave and loyal population;

Whereas the Parties have agreed to the mediation of Great Britain and have further agreed to an armistice of three weeks for the purpose of enabling the British Government to formulate suggestions of settlement;—

The British Government, having fully considered the cases of the contending Parties, makes the following recommendations :—

1. Italy shall cancel her decree of annexation of the said provinces and shall undertake to indemnify Turkey for any consequences thereof;
2. She shall also undertake to indemnify Turkey for all damage, direct or indirect, suffered by the Ottoman Government or Ottoman subjects in connexion with the hostilities she has carried on in Tripolitana, Cyrenaica and elsewhere;

3. She shall agree, in case the other Powers shall so agree, to release Turkey from the obligations imposed on her by the Capitulations ;

4. The amount of the indemnity payable to Turkey, in respect of the above two sources of loss, shall be submitted for assessment to the International Court of Arbitration at the Hague, such amount not to be less than (say) £T.5,000,000 ;

5. In consideration of the above undertakings and those set out below, Turkey shall agree to cede Tripolitana and Cyrenaica to Italy ;

6. Italy shall grant in perpetuity to the Mussulman inhabitants of the ceded provinces religious freedom and the right to the full external observance of their religious ceremonies ; enjoyment of the same civil and political rights as may be possessed by their fellow-inhabitants belonging to other religions ; the right to use the name of H.I.M. the Sultan, as Khalif, in public prayers ; recognition of Mussulman pious foundations (*vakoufs*) ; and untrammelled liberty of communication by Mussulmans with their religious heads at Constantinople, &c., &c.

T. B.

ATHENÆUM,

December, 1911.

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THE TURCO-ITALIAN WAR AND ITS PROBLEMS

INTRODUCTION

THE object of the present short and unpretending volume is to place the questions arising out of the war as dispassionately as possible before the English reader, without either pleading the cause of Turkey or arguing in favour of the action of Italy. Among these is one of paramount and permanent importance to this country's interests throughout the world, and on which it is right to stimulate criticism to an attitude of uncompromising energy, namely, that treaty engagements shall be respected and that public opinion shall not be hushed into indifference by humanitarian assurances which at the first contact with concrete situations are swept into the background as mere pious wishes. The sanctity of treaties and good faith among nations is not merely a theoretical or moral proposition. It is the very foundation of that international stability on which the calculations, public and private, of whole nations are based. Financial and industrial markets alike are disturbed by the mere rumour of an international difference between European

Powers, and the restoration of confidence means that the Powers in question have come to some compromise by a treaty which they will both scrupulously respect. If this is not the idea of the parties to a treaty and there is a tacit reservation that either may violate any inconvenient clauses of it, as soon as internal or foreign complications interfere with the other party's ability to enforce respect for them, we revert to a state of international chaos—a chaos in which the possibility that war without premonitory symptoms, without real grievances, on any trumped-up provocation, may break out, upset the markets, baffle the calculations of merchants and manufacturers, and involve whole industrial populations in that state of distrust and uncertainty as to the immediate future which necessarily follows every disturbance of international peace. Peace is the greatest interest of an industrial proletariat, because it stands for stable markets, and on stable markets depend the contracts ahead which stand for whatever security of tenure there is in manufacturing communities. The present war, whatever excuse there may be for it, whatever tacit or express understandings neutral States may have entered into with the aggressor, it is to be hoped, will be regarded as an exception in the history of an age which prides itself on its humanity and moral progress and in which those who do the work of war as well as pay

for it, are beginning to realise how much they are the dupes of political faddists, diplomatic dreamers, and interested scaremongers.

One consequence of the present war and of the Morocco and Persian crises is that in the Parliaments of two States at least there has been a revolt against leaving momentous international issues in the uncontrolled discretion of their respective Foreign Offices. In England this again may have the further consequence of inducing politicians to pay more attention than they do at present to foreign affairs.

In France, in 1902, for the purpose of enabling private members to take an active part alongside the ministers in the preparatory part of legislation and the examination of suggestions and amendments, sixteen grand committees were appointed, among which practically all the special work of Parliament was divided up.¹ One of these deals exclusively with Foreign Affairs, Protectorates and Colonies. Members of it, it is true, complain that they are not consulted more frequently or more consecutively, but they, nevertheless, keep a close

¹ At the commencement of each legislature the Chamber of Deputies divides itself into sixteen "permanent grand committees," dealing each with one of the following special subjects :—(1) Customs ; (2) Labour ; (3) Insurance ; (4) Agriculture ; (5) Public Works, Railways, etc. ; (6) Judicial Reform, Civil and Criminal Legislation ; (7) Army ; (8) Navy ; (9) Foreign Affairs, Protectorates and Colonies ; (10) Education and Fine Arts ; (11) Local Government and Public Worship ; (12) Trade and Manufactures ; (13) Fiscal Legislation ; (14) Public Health ; (15) Posts and Telegraphs ; (16) Retrenchment generally (Commission des Economies).

watch on the work which is in train at the Quai D'Orsay, and all proposed treaty engagements are necessarily referred to the Committee under French parliamentary procedure. Though this is done generally only after the country is practically pledged, the members of the Committee, all the same, obtain *post hoc* experience of the special work allotted to them, and can receive ministerial explanations, when there may be doubt or hesitation, which it would be difficult to furnish in public. This in turn covers to some extent the Foreign Minister's responsibility. Nothing prevents him, moreover, from anticipating criticism even in the course of negotiations by conference with the Committee.

In the United States Senate, the Foreign Relations Committee is in still closer contact with the State Department, and by no means confines itself to registering the acts of the Secretary of State. So strongly do American statesmen and politicians view the need of parliamentary control over foreign affairs that no clause in the American constitution is more jealously enforced than that which requires Senatorial approval for all international engagements of the United States.¹

¹ The U.S. Constitution of September 17, 1787, sec. 2 (2), provides that the President "shall have power with the advice and consent of the Senate to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls. . . ."

Senatorial debates on such matters are usually conducted within closed doors, and nothing is more interesting to the British visitor to the Capitol than the frequency of these secret executive sittings.¹

Recent events seem to show the desirability of the institution of a special committee of the House of Commons for foreign relations, which, recruited without party preference, should be able to communicate its views as a whole, as well as the views of individual members of it, to the Foreign Secretary as a matter of right and not as one of mere sufferance. There are many members of Parliament who have business interests in different countries which bring them into close contact with these countries and enable them to obtain a greater personal experience of British interests in connection with them than public officials, however efficient, ever have a chance of obtaining. The fact that a certain number of competent representatives of the country in the House of Commons were paying special and effective attention to the national interests abroad would have a reassuring effect among the electorate. Such a committee,

¹ The late Senator Morgan once observed to the present writer while he was occupied at Washington with the study of American executive methods, that the American constitution might be defective, it might make the life of a Secretary of State a burden to him, it might be unwieldy and ineffective for rapid action, but nobody could say of it that anything was done by the United States for which the constitutional guardians of the people's rights and interests did not take their full share of responsibility.

moreover, would serve as a nursery for the training of a certain number of members of Parliament in foreign affairs, and this again would enable these members to create throughout the country a greater and more intelligent interest in our foreign relations. The public has undoubtedly begun to feel, especially in the north of England, that foreign affairs are conducted in a manner not suited to the representative character of the institutions of a self-governing country. Without going the length of the United States constitution, which makes the Senate a party even to the appointment of the chiefs of the diplomatic service, any careful critic can see that that service in this country stands in need of revision. The advice of a committee might shield the Secretary of State from the odium which is necessarily incurred in all public services by disregard of the claims of seniority. On the other hand, there are great objections to public discussion of the details of negotiations which even in the United States Senate are reserved for secret sittings ; but full and frequent statements on foreign affairs, and the co-operation of an advisory committee of Parliament, would certainly help the Foreign Office to bring British foreign policy into closer harmony with the national feeling and interests.

As regards the hope that the Hague Conferences were heralding the dawn of a new era of peace and

international amity throughout civilised mankind, a deep sense of the vanity of human efforts to bring about a better spirit of good-will among nations has followed a short period of great confidence. Emphatic declarations of the Powers in favour of seeking means to restrict military and naval expenditure seemed a sincere response to a wide-spread feeling in favour of the settlement of international disputes by pacific methods. States vied with each other in concluding standing treaties of arbitration. And yet it is just those Powers which were the strongest supporters of suggestions for the restriction of armaments and arbitration, viz., the United States, Russia and now Italy, which have broken the peace, while the two Powers, Germany and France, which were least inclined to agree to any restriction of armaments and which have made no attempt to provide for arbitration on difficulties of any kind as between them have just settled an acute difference by pacific negotiation. These two Powers have set an example to the world which seems encouraging for the future. However contrary to notions of domestic justice it may seem to arrange differences by the one side giving the other a right to indemnify himself at the expense of a third Power, it must not be forgotten that the Morocco Government, though at the door of Western Europe, is not a representative Government, and that a change in the

Sovereign authority, which may substitute good government for a despotic rule tempered by civil war which is practically permanent, can only benefit the population of Morocco. France and Germany have shown how to avoid war, even when the hostile feeling on both sides may be strong. The latter had learnt the lesson of 1905, and has studiously avoided any manifestation which would hurt the susceptibilities of her neighbour. She has also remembered that a "diplomatic victory" exacted at the cannon's mouth, though it may satisfy momentary jingoism, leaves a sting in the flesh of the other, which is long in healing, and may have to be paid for dearly. It is a precedent of more than passing interest, for on the relations of France and Germany depends the future of peace in Western Europe.¹

The peaceful solution of the Franco-German difficulty, however, is but a poor consolation for the illegality of the present situation in the Eastern Mediterranean, and pessimists may well jeer at those who work for the promotion of the peace of the world. "Where," they ask, "is your arbitration now, your Hague Court, your Hague Conferences, your Hague Conventions and all your boasted arsenal of peace-preserving machinery?"

¹ An *entente* between the three great Western Powers and the United States not only responds to geographical realities, but is the combination to which a more intelligent comprehension of the common defensive interest of modern democracies seems most likely to tend.

Where indeed, when those who deliberately created it, as deliberately break it, and other makers of it look on with apparent indifference. Never in recent times has so much illegality been condensed into a few weeks. Not only have the Hague Conventions been disregarded and solemn engagements treated as non-existent, but a series of treaties of the most sacred character with no loophole for any possible evasion have been ruthlessly violated. Yet all this admitted, the pessimists, fortunately for civilisation, are still wrong, and their fears lest right should prevail or the sense of justice and humanity spread among mankind, in spite of Italy's action, are without justification. Since the first Hague Conference peace has become an end in itself, not only in the view of Governments and Parliaments, but in that of public opinion throughout the civilised world. Wars have by no means ceased. Far from it; since 1899 there have been three. Though it is true that in the thirty years which preceded the Conference there were only four, there has been a new spirit in connection with war since the Hispano-American rupture. That new spirit is an endeavour to make the treaty of peace a final closing up of all difficulties and leave as little cause as possible for permanent resentment or revenge. When the Franco-German war came to a close, Bismarck dictated such terms as, with his foot on the neck of

France, he thought would cripple her for all time. He took her most prosperous province, turned her own means of defence into a wedge of operations against her, and extracted an indemnity which imposed a debt no other country could have borne, besides extracting a most-favoured-nation clause in perpetuity to prevent any retaliation through her economic policy. The result has been forty years of military and naval preparation on both sides for another war and a feeling of such intense and bitter resentment that the passing of a whole generation has hardly affected it. Nor will the humiliation of such ruthless terms probably ever be quite eradicated till some adjustment of the frontier satisfies the wounded pride of a courageous and sensitive people.

Compare with this the Treaty of December 10, 1898, which terminated the Hispano-American War. The United States had it in her power to keep the Spanish colonies she had occupied, and, if it would have been difficult for her to enforce a war indemnity except by the invasion of Spain, she could, at any rate in the circumstances, have exercised the right of conquest purely and simply. Instead of this, she emancipated Cuba and made it an independent community, paid Spain¹ an indemnity (\$20,000,000) for the Philippines, and agreed that all claim to any war indemnity should be

¹ See Art. 3 of the Treaty of Paris of December 10, 1898.

deliberately excluded.¹ The result has been that the Hispano-American War instead of leaving an open and unhealable wound has resulted not only in kindly feelings between the two antagonists, but in the growth of a warm friendship between the mother country and the colony, which, so long as it remained dependent, had always been in a state of smouldering, if not open, revolt.

Compare again with this treaty that of Shimonoseki (1895), which sowed the germs of another and greater war, through the parties to it considering only their own immediate interests and not attempting to remove the causes of future dissension.

The spirit in which peace negotiations were carried on had meanwhile changed and, again on American soil, when Russia and Japan discussed terms of settlement, Japan followed the American example of 1898, and in the Treaty of Portsmouth (1905) waived her claim to any indemnity beyond the cost of the maintenance of the prisoners of war; this placed the two parties on such a footing of mutual consideration that nothing stands in the way of their becoming allies for the preservation of the resulting *status quo*.

Lastly, there is the settlement of South Africa after the Boer War, a monument in itself to

¹ See Art. 7 of the same Treaty.

commemorate for all time the advantage of leaving no germs of resentment between conqueror and conquered, but of seeking by a generous regard for the feelings of those who have lost in the struggle, to heal the wound as promptly as possible and turn the late foe into a future friend.

These are not discouraging symptoms.

Even in considering the present war, we should not be too ready to forecast its consequences. It may result, if Italy and Turkey are as wise in the discussion of terms of peace as their immediate predecessors, in a settlement offering similar prospects of future friendship.

Although the war has all the appearance of an unprovoked aggression, it may, moreover, very well happen that when the historian has all the circumstances before him, his verdict will not be as severe as the current popular impression. In one of the following chapters reasons, in fact, will be found for suspending judgment on the causes of the war till we know more of its origin.

Meanwhile, as regards the general policy of Italy, those who are familiar with the state of Southern Italy, Sardinia, and Sicily are wondering why her Government should be so indignant at the neglected state of Tripolitana and Cyrenaica or wish to undertake their development before it has undertaken that of the two great Italian islands which might employ all her surplus population, and

the development of which is even a peremptory national necessity.¹

The answer no doubt would be that that will come in due course, but that meanwhile Tripolitana and Cyrenaica might have passed into other hands,² and Tripolis is the gateway of that central Africa

¹ A French friend who knows Sardinia well writes of the state of the island :—

"My experience of Sardinian conditions can be stated in a few words. The Sardinians are very good people and exceedingly hospitable. But Italy treats them with a certain disdain, avarice and greediness. She has helped them to build a few railway lines (where all trains move like *tortoises*). She has dug into a few mines where Sardinians are employed. But she has neglected to give them or to help them in getting the most elementary means of communication. There are parts of Sardinia completely under water in rainy seasons, so that some villages are cut off from all communication with the rest of the island for want of embankments or bridges. Many of the poor live in shocking conditions of hygiene, so that malaria, in spite of the 'quinino di stato' capsules, to be had very cheap at all tobacconists' shops, kills hundreds and hundreds of people. Very little help would suffice to make these people as clean and healthy as the middle and well-to-do classes, who in Sardinia are much cleaner than any classes of Italians on the mainland. Last, but not least, Italians, under pretext of helping the Sardinians, lend them money at impossible rates (often 18 per cent.). One would think they were old Roman usurers lending to their own slaves. The insolvent debtor is stripped of everything he has. I have even been told that the Italian lenders distrusting them and fearing the 'vendetta,' apply very often to the 'carabinieri' as if they had to do with escaped convicts. As to Sicily, I do not know it as well as Sardinia, but it seemed to me that the conditions of communication and hygiene were about the same."

² Signor Giolitti's reference in his speech at Turin on October 7 seemed vaguely to intimate that unforeseen events had suddenly forced the Italian Government to take an action which was not a part of its immediate policy. This tallies with Dr. Dillon's reference to the "political conjunctions of the moment," *see* p. 51.

The passage in question of Signor Giolitti's speech was as follows :—

"Foreign policy cannot, like home policy, depend entirely upon the will of the Government and Parliament, but of absolute necessity must take into account events and situations which it is not in our power to modify, or even, sometimes, to accelerate or retard. *There are facts which take the shape of fatality, from which a nation cannot escape without irreparably compromising its future.* In such moments it is the duty of the Government to assume

which is geographically the most accessible market for rising Italian industries.

To understand Italian policy generally, we must take Italian character into account, and especially the character of Italy's present sovereign and that of his trusted Foreign Secretary, the Marquis di San Giuliano. Elsewhere will be found a reference to the bearing of the character of these two remarkable men on that policy. Both have the idealism of the makers of Italy. Both are ardent patriots and both nervously anxious that Italy shall not make any sacrifice to the present which may impair her future chances. The King takes the pride in his country that a successful chairman takes in the details of a great, prosperous, and rising concern. As he sits in the corner of a couch in his reception room, his small, nervous frame throbbing with vitality, recounting the feats of Italy's new industries, one sees he is an idealist of commerce, a poet of figures, loving their grand masses, their progression, their symmetry, just as the Italian peasant or fisherman loves the poetry

every responsibility, since the least hesitation or delay may mean the beginning of political decadence, fraught with consequences that the nation may be left to deplore for long years, even for centuries. The Ministry acknowledges the responsibility it has incurred in engaging the country in this struggle, but it faces that responsibility with equanimity, because it is convinced that, in face of the persistent and systematic hostility which has for years hindered our economic activity in Tripolitana, and in face of the constant provocations offered by the Turkish Government, any hesitation or delay would have compromised both the honour of the country and its political and economic position."

of the big rivers and the massive hills amid which he toils, or the wide sea over which he roams.

The Marquis di San Giuliano has this Italian peasant's soul endowed with all the culture of a cultured people. For him Italy is not merely a rising industrial State. She is the birthplace of Empire, the mistress of the Mediterranean by right of history and by right of situation. Bismarck once wrote to Mazzini: "Italy and France cannot be associated for their common benefit in the Mediterranean. That sea is an inheritance which it is impossible to divide between relations. The empire of the Mediterranean unquestionably belongs to Italy, who possesses on that sea, coasts twice as extensive as France. Marseilles and Toulon cannot be compared with Genoa, Leghorn, Naples, Palermo, Ancona, Venice, and Triest. The empire of the Mediterranean must be the constant preoccupation of Italy, the fundamental thought of the Florentine cabinet."¹ Never was anything more sympathetic written to an Italian patriot than this echo of Mazzini's own thoughts and yearnings. The Marquis di San Giuliano, like his sovereign in another way, sees Italy once more bursting her narrow shell, her children and her ships carrying her flag triumphant in industry, art, music, and language far and wide, not to be absorbed

¹ "Politica segreta italiana" (1863—1870), Turin, 1881; published by Diamilla Mulla, Mazzini's secretary.

in "barbarian" throngs, but to make new Italies, wherever it is planted, and create an empire worthy to rank with the Roman and Venetian Empires of old. This spirit of the Italian is not confined to the King and his Ministers. Italian Socialists, opponents of the Sovereign, Liberals and Conservatives, pacifists alike, all feel it. Signor Moneta, the leader of the Peace movement in Italy, one of the laureates of the Nobel Peace Prize, writes in the *Vita Internazionale* of October 5th, approving of the war and finding perfectly just, and more than sufficient, official reasons given for it which the whole of Europe regards as frivolous. "Our Government," he says, "after having shown a patience which no other Power would have taken the trouble to show, has understood that the time has come to put an end to a state of things which has become intolerable. The long series of acts of violence committed by the Turkish Government, as set out by the Marquis di San Giuliano in his circular to the Italian Ambassadors, will convince any reasonable man of the justice of our cause. The energy and rapidity of action evidenced by the Government is praiseworthy." When the extreme left wing of Italian pacifism expresses itself in these terms, it is evident that the vision of Italy's empire is too dazzling for any Italian eyes to see things in their true shape.

I do not think the time has yet come to speak of

the "atrocities" with which the Italian army has been charged.¹ War is a hideous affair at the best—especially a war with North African tribes in which defeat may be followed by torture and mutilation. Moreover, even the most cool-headed troops are subject to panic. Those who extol war and are exultant at any set-back to advocates of the pacific adjustment of disputes, must admit that the feelings the present war seems to have called forth are not noble passions. But with these aspects of the war the present volume will not deal further. Its object, as said before, is to deal with the problems, and more especially the immediate problems,

¹ The following statement, in attenuation of the Italian action, by Field-Marshal Lord Roberts, was published in the *Times* of November 29, 1911, in reply to an inquiry as to his opinion on the charges made against the Italian army:—

"It is totally unfair, as we are a friendly nation, to criticise any military measures which the Italian Commander-in-Chief may have found it necessary to put in force, without having access to the information upon which he acted. As far as can be learnt from the more trustworthy reports that have reached this country, the Italians were suddenly faced with a rising of Arabs in the direct rear of their line of resistance. Such a desperate state of affairs would, in any case, warrant desperate measures to re-establish the equilibrium of battle. Time also was pressing, as the main attack by the Turks and Arabs was imminent. That the means employed to re-establish what I have called the equilibrium of battle was severe is, doubtless, true, but in war it is usually the severest measures that are, in the long run, the most humane. No soldier will put any credence in the reports that women and children were deliberately killed by the Italians, but, doubtless, in the act of clearing the hostile villages behind the Italian lines many innocent people suffered with the guilt. Such things are, unfortunately, inevitable in war.

"In no army in the world could the orders which General Caneva found it imperative to issue for the clearance of the Tripoli oasis have been carried out without instances of regrettable severity. The very urgency of the operation alone would necessitate this severity. Only those who have had experience of war in all its phases have the right to judge of the expediency of reprisals, and then only when they have access to the information which was at the time in the possession of the directing staff."

arising out of the war. International practice is but usage deduced from precedents co-ordinated to fit into a system of general principles based on contemporary notions of abstract justice. In an age in which the dilatory effects of distance can no longer be counted upon, it has become of greater importance than ever to subject every new point or question as it arises to a searching examination. The cases relating to contraband and blockade have thus far given rise to no very grave questions of principle.¹ On the other hand, the breaches of treaty engagements have been such as to warrant the energetic language which has been used respecting them in the British Parliament, at public meetings,² and in the Press. The sanctity of treaties, it cannot be repeated too often, is the very foundation of international morality. Any violation of a treaty is a shock to that fabric of mutual trust and consideration which has been built up in the course of a century and which forms at present the public law of Europe—a law governing not only the relations of States with one another, but insuring stability in the international dealings and intercourse of their respective citizens.

¹ See, however, pp. 97 *et seq.*

² See Mr. W. T. Stead's "Tripoli and the Treaties—Britain's duty in this War," which gives a full statement of popular feeling and manifestations on the subject.

CHAPTER I

THE PLACE OF THE HAGUE PEACE CONVENTIONS ¹

FREQUENT reference has been made in public meetings and in Parliament to the indifference

¹ The Hague Conventions adopted in 1899 were as follows :—

1. A convention for the pacific settlement of international disputes.
2. A convention relating to the laws and customs of war by land.
3. A convention for the adaptation to maritime warfare of the principles of the Geneva Convention of the 22nd August, 1864.

Three declarations on the following matters were also adopted :—

- (a) Prohibition of the launching of projectiles and explosives from balloons or by other similar new methods.
- (b) Prohibition of the use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.
- (c) Prohibition of the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.

The following is a list of the conventions adopted in 1907 :—

1. Convention for the pacific settlement of international disputes.
2. Convention respecting the limitation of the employment of force for the recovery of contract debts.
3. Convention relative to the commencement of hostilities.
4. Convention concerning the laws and customs of war on land.
5. Convention respecting the rights and duties of neutral Powers and persons in war on land.
6. Convention relative to the status of enemy merchant-ships at the outbreak of hostilities.
7. Convention relating to the conversion of merchant-ships into war-ships.
8. Convention relative to the laying of automatic submarine contact mines.
9. Convention respecting bombardment by naval forces in time of war.
10. Convention for the adaptation of the principles of the Geneva Convention to maritime war.
11. Convention relative to certain restrictions on the exercise of the right of capture in maritime war.
12. Convention relative to the establishment of an International Prize Court,

which has been shown by the Italian and other Governments to the injunctions and powers contained in the Hague Peace Conventions of 1899 and 1907. On November 8, in reply to an inquiry in the House of Commons by Mr. Silvester Horne as to whether the British declaration of neutrality precluded this country from taking any steps under Art. III. of The Hague Peace Convention,¹ with a view to bringing the war to an end; and if not, whether the Government was prepared to take such initiative at the earliest possible moment, Mr. Acland, Parliamentary Under-Secretary for Foreign Affairs, replied that he assumed the hon. member to be referring to Art. III. of the Convention for the pacific settlement of international disputes, signed at the last Peace Conference at the Hague, but which has not yet been ratified by this country. This was irrelevant, seeing that the clause in question in the Convention of 1899 and the clause in that of 1907 are practically identical, and that until the Convention of 1907 is ratified, that of 1899 remains in force. He added, however, that H.M. Government would not deem themselves precluded by the recent Proclamation of Neutrality from offering their good offices or

13. Convention respecting the rights and duties of neutral Powers in maritime war.

14. Declaration prohibiting discharge of projectiles, etc., from balloons.

Great Britain has ratified Nos. 2, 3, 4, 6, 7, 8 (with reservations), 9 (with reservations), 11, and 14 of the 1907 conventions. Among those which she has not ratified is that for the pacific settlement of international disputes.

¹ See p. 28, and below.

mediation, if any favourable result was likely to be brought about by their doing so. They have been, and are always, he said, anxious to take advantage, in conjunction with the other Powers, of any opportunity which may present itself for offering their good offices or mediation to the States at variance, but the views of the belligerents on the matter in dispute were so divergent that no basis existed on which a neutral Power could, at present, offer mediation that would not be refused or even resented by one or other of the belligerents.

This was quite a sufficient answer as regards Art. III. of the Hague Peace Convention, which will be dealt with below. As regards other provisions of the Convention, the suddenness of the war is a factor in the consideration of the action which might have been taken, requiring examination in itself.

Only once in the memory of living man has any war to such an extent as the present one taken the world by surprise. On September 25 for the first time we heard that Italy had any serious grievance against Turkey. The Turkish Government at once offered to rectify whatever just grievance there might be. Italy repudiated the offer, and without leaving time for even the semblance of negotiations or for any third Power to offer its good offices, telegraphed in cipher to Constantinople on the 26th an ultimatum with twenty-four hours' grace from the

date of presentation. The ultimatum was presented on the morning of the 28th, war was declared on the following day, and simultaneously the Italians commenced hostilities. From the first notice of the existence of any grievance to the declaration of war the interval was exactly five days.

There could obviously be no precedent for such precipitation before telegraph communications had rendered it a material possibility. The one previous case in our time resembling the present war as regards precipitation was the refusal of Napoleon III. to listen to reason before the outbreak of the Franco-German War. On July 11, 1870, Lord Granville, who had just taken office as Foreign Secretary, stated in the House of Lords that Mr. Hammond, the Permanent Under-Secretary at the Foreign Office, had informed him that he was not aware of any important question which might disturb the peace of Europe.¹ The same evening the Spanish Government announced that Prince Leopold of Hohenzollern had accepted the offer of the Spanish crown. Three days later the Benedetti incident occurred,

¹ Lord Granville made the following statement in the House of Lords: "I had the honour of receiving the seals of the Foreign Office last Wednesday (July 6). On the previous day I had an unofficial communication from the able and experienced Under-Secretary, Mr. Hammond, at the Foreign Office, and he told me, it being then three or four o'clock, that with the exception of the sad and painful subject about to be discussed this evening" (the recent murder of British subjects by brigands in Greece), "he had never, during his long experience, known so great a lull in foreign affairs, and that he was not aware of any important question that I should have to deal with" (Hansard, cciii. 3).

and on the 19th, eight days after the public had been made aware that a difficulty had arisen between the two Governments, war was declared. Very much in the same way as in the present case, the Emperor Napoleon, after he was offered satisfaction, formulated a demand which he knew could not be agreed to, and made war inevitable. Other European wars in the course of the last forty years, such as the Russo-Turkish, the Boer, and the Russo-Japanese wars, were the consequence of the breakdown of antecedent negotiations, and offer no parallel to the present case.

In the meantime, in 1899 and 1907, the nations of the world have met in solemn conference, and have not only regulated the practice of war in the sense of humanising it as far as possible, but have also provided methods intended to hinder such precipitate declarations of war and afford honourable opportunities for the pacific solution of international disputes in substitution for war. The object of the present chapter is to see where we now stand, as regards these methods, in reference to a war which has set back the tide of confidence mankind had begun to show in efforts to preserve peace by peaceful methods.

In the first place it is to be remarked that, although Germany and Austria-Hungary, her allies, have ratified all the Hague Conventions of 1907 with the exception of the declaration forbidding the

discharge of projectiles and explosives from balloons, Italy has not yet ratified any of them, and Turkey is in the same position. Both (Turkey, *in extremis*, in 1907) ratified, however, the Conventions of 1899. Although there is no specific clause in the Convention for the Pacific Settlement of International Disputes, as in the case of the other Conventions, ensuring the application of the earlier Convention in case of non-ratification of the revised version of 1907, Art. 9 of the latter Convention provides that "the present Convention, on being duly ratified, shall take the place in the relations between the contracting Powers of the Convention for the Pacific Settlement of International Disputes of July 29, 1899." The use of the future implies that the old Convention remains in force until the new one has been duly ratified.¹ Now, under the Convention of 1899 several pacific methods applicable to the present issue are provided. The undertakings contained in it begin with the following declaration of general intent :—

With a view to obviating, *as far as possible*, recourse to force in the relations between States, the signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.

The next Article (Art. 2) at once indicates one method by which they may proceed :—

In case of serious disagreement or conflict before an appeal

¹ Great Britain also is among the Powers which have not yet ratified this Convention. See p. 20.

to arms the signatory Powers agree to have recourse, *as far as circumstances allow*, to the good offices or mediation of one or more friendly Powers.

So far as evidence we possess of what happened in the momentous five days which preceded the declaration of war goes, Italy did not even attempt to comply with either of these provisions. The loophole qualifications in italics do not exempt the Italian Government from the charge of utterly disregarding her engagements to both Turkey and the other co-contracting Powers, seeing that Turkey at once expressed willingness to concur in an amicable settlement.

As regards arbitration, the Convention contains no provision obliging the parties to submit any differences to this mode of settlement. The only clause which might be held to have a morally binding character as a declaration of principle does not apply. This is a clause which states that "in questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognised by the signatory Powers as the most effective, and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle." Most States, however, have now concluded separate supplementary agreements undertaking to submit to arbitration all such questions, and, with one exception, all have excluded from their operation matters

affecting their "vital interests" or "national honour." It will have been observed that in his ultimatum to Turkey the Marquis di San Giuliano took care to state that the issue between his country and Turkey constituted "so far as Italy is concerned a vital interest of the very first order."¹ This was evidently intended to enable his Government to meet any suggestions as to arbitration with the reply that no State had yet agreed to have recourse to arbitration where vital interests were concerned. By an odd coincidence, however, Italy happens to be the one State which has thus far had the courage to enter into a treaty, undertaking to submit to arbitration all differences, whatever their nature, which might arise between the parties without the customary exception of "vital interests" and "national honour." This treaty, which Italy concluded with Argentina, during the Hague Conference of 1907, seemed intended at the time to serve as an example which might promote a more courageous handling of the subject—at a time when Italy was one of the strongest advocates of widening the scope of arbitration.

But why should "vital interests" be excluded from arbitration? The answer is that though there is no reason in principle for excluding them from arbitration, no Government seems ready to take the responsibility of binding itself to arbitrate

¹ See pp. 48 and 109.

without a means of escape from its obligation. The new but still unratified treaties between Great Britain and the United States, and Great Britain and the United States and France, are no exception in this respect. They provide for investigation by a preliminary joint commission of inquiry, but confine arbitration to "claims of right made by one against another under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity." This obviously excepts from their application all questions based on policy and not on grounds of legal right, and, in practice, any interest is a vital interest, if either party chooses to describe it as such. Under the existing treaties among European States, it is in the discretion of either party to a dispute so to describe it, and it is then removed from the operation of the treaty. An aggressor who has no equitable basis for an application to the Hague Court or any other tribunal of independent judges, is not likely voluntarily to accept the jurisdiction of a court which would practically have no alternative but to find against him.

Art. 27 of the Peace Convention of 1899 states that :—

The signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to

them. Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present Convention and the advice given to them in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

As the Powers were not given a chance, in the few hours allowed them, to grasp the successive steps of Italy's action, there is no ground for complaint at its not having been acted upon.

"Independently of this recourse (*i.e.*, the recourse agreed to by the parties in disagreement under Art. 2 above cited), the signatory Powers," says Art. 3, "recommend that one or more Powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the States at variance." "Powers strangers to the dispute," it goes on to say, "have the right to offer good offices or mediation, even during the course of hostilities," and "the exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act." Germany, the ally of Italy and friend of Turkey, is said to have offered mediation. France, the friend of both, may find herself bound by a long-standing arrangement with Italy to hold aloof.¹ Do these arrangements debar Russia, the initiator of the Peace Conference, which at her suggestion adopted these peace-

¹ See p. 55.

promoting formulæ, from offering her good offices? Is Great Britain, who went to the Conference with strong protestations of devotion to the cause of peace, indifferent to a struggle between two nations for whom it has been her time-honoured policy to be ready to show sincere friendship? We have seen the answer given by the Under-Secretary for Foreign Affairs in the House of Commons.¹ That answer implies that the two belligerent Governments have been sounded and that their respective points of view are so antagonistic that no useful purpose can be served by pressing upon them a mediation which implies a compromise to which neither party is prepared to agree.

Meanwhile the fact remains that the Powers had no opportunity before the outbreak of the war of giving effect to the Hague Convention for the Pacific Settlement of Disputes, and that Italy, far from showing any desire for a pacific solution, deliberately hurried to place a *fait accompli* between her and any pacific solution at all. It is difficult to understand how other Governments could have been unaware that military and naval preparations were being carried on in Italy on the scale necessary for fighting a foe of the dimensions of Turkey; nor is it yet explained why Italy, who played such a prominent part in the promotion of the Peace Convention at the Hague Conferences, and who has

¹ See p. 20.

served as a pioneer in the extension of arbitration to cases other States have not yet admitted to its scope, should have exposed herself to universal condemnation, for public opinion meanwhile can scarcely help regarding her action as a discreditable use of her strength against a neighbour weakened by a struggle for the attainment of that very political freedom and independence in the struggle for which Italy herself enjoyed and profited by the sympathy and moral support of the whole world.

CHAPTER II

ITALY'S TREATY OBLIGATIONS

IN the previous chapter I have shown that neither the Italian Government nor other Governments seem to have made any efforts, much less to have "used their best efforts," to preserve peace. The present chapter will show that other obligations besides these had been entered into, in connection with the preservation of Turkish integrity, the violation of which may have momentous consequences.

When Russia in 1878 forced Turkey at the cannon's mouth to agree to the drastic terms set out in the treaty of San Stefano, the Powers remembered that the treaty of Paris of 1856 contained the following clause:—

Their majesties undertake, each for himself, to respect the independence and territorial integrity of the Ottoman Empire, to guarantee in common the strict observance of this undertaking, and consequently they will consider any act of a nature which might infringe it as a question of general interest (Art. 7).

Thereupon the Treaty of San Stefano between Russia and Turkey, having been concluded without the concurrence of the other parties to the Treaty

of Paris, became null and void in respect of all clauses affecting the territorial integrity of the Ottoman Empire. The right of conquest could convey no power to annex even by treaty any portion of the Ottoman dominions, to any of the contracting parties in presence of this specific stipulation which had been inserted in the Treaty of Paris for the express purpose of preventing any dismemberment of Turkey without the general consent of the signatory Powers. Hence the Conference of Berlin and the Treaty of July 13, 1878, which was the outcome of that conference. Art. 63 of that Treaty runs :—

The Treaty of Paris of March 30, 1856, as well as the Treaty of London of March 13, 1871, are maintained in all such provisions as are not abrogated or modified by the foregoing stipulations.

Art. 7 of the Treaty of Paris was neither abrogated nor modified by the Treaty of Berlin, and therefore continues to possess its full force and effect ; the King of Italy (or King of Sardinia as he was in 1856) is a party to the Treaty of Paris, as he is a party to the Treaty of Berlin. Nor has anything since 1878 occurred which can warrant a contention that Art. 7 of the Treaty of Paris has become obsolete. If any essential change of circumstances had occurred, the rule of *rebus sic stantibus*, to which reference will be made later on, might have applied. Far from this being the case, any change which has occurred in the circumstances

has, on the contrary, added strength to any provision preventing separate action by any Power from affecting the territorial integrity of the Ottoman Empire. Moreover, in connection with an incident so recent as the annexation of Bosnia-Herzegovina, official reference was made to the provision in question by certain Powers—Great Britain was one—as forbidding the annexation except with the sanction of the signatories to the Treaty of Berlin, and it was only after Turkey had accepted an indemnity that the Powers, after an exchange of views, came to regard the holding of a conference to ratify an annexation which involved no *de facto* dismemberment of Turkey, as unnecessary.

In the case of Bosnia-Herzegovina, Count Aehrenthal, the Austro-Hungarian Foreign Minister, contended that he had not violated the stipulation to respect the independence and territorial integrity of the Ottoman Empire. As regards independence, Bosnia-Herzegovina, he said, was not an independent part of the Ottoman Empire, but for thirty years had to all intents and purposes formed part of the Dual Monarchy. As regards territorial integrity, its annexation did not deprive Turkey of any population or territory which owed her allegiance, or over which she had retained any sovereign rights. It was pointed out to Austria-Hungary that though this might be true, she held Bosnia-Herzegovina under a mandate from the

Powers, and had no right to go beyond the terms of her mandate without their consent. The mandate under the Treaty of Berlin was brief. "The provinces of Bosnia-Herzegovina shall be occupied and administered by Austria-Hungary" was all the Treaty said on the subject. No duration and no qualification placed limits or restraint of any kind on the occupation, and when Austria-Hungary paid Turkey a sum of £2,400,000 by way of indemnity for the change of status she described it, to avoid any admission that she was paying for a sovereignty she already possessed, as a payment for the purchase of certain State lands in Bosnia-Herzegovina supposed still to belong to Turkey.

Some of the Powers still objected that to satisfy Turkey was not enough, and that the objects of the Treaties of Paris and Berlin were not solely in Turkey's interest. The objections, however, were not pressed to an issue. The international understanding arising out of the incident seems to be that if, after consideration by the Powers, no question of general interest appears to be involved, the Powers as a body will leave Turkey mistress of her actions even in respect of the disposal of her territory.

How then do the Treaties of 1856 and 1878 affect Italy in connection with the present war?

As regards the guarantee of Turkey's territorial integrity, Italy, in defiance of her engagement

under Art. 7 of the Treaty of Paris, has proclaimed the permanent annexation of Tripolitana and Cyrenaica. This breach of faith can be redeemed as regards Turkey by arrangement with her to her satisfaction. The cession, however, can only become operative in respect of the signatory Powers of the Treaty of 1856 in the terms of Art. 7 of that Treaty, which provides that any infringement of the territorial integrity of the Ottoman Empire is a "question of general interest." There can be no argument such as that put forward in the case of Bosnia-Herzegovina. There has been no *de facto* annexation to Italy, or *de facto* severance of the province from the Ottoman Empire. The Treaty of 1856 in the case of Tripolitana and Cyrenaica has its full force and effect, undiminished by precedents of any kind. If Turkey does not consent to an arrangement, but confines her action to opposing Italy with that *vis inertiae* in which the Turk has always excelled, a time will necessarily come when Governments will be forced by the different material interests affected to deal with the question at issue. Apart from this, it is of the gravest importance, not only to this country, but to Europe generally, as said in the Introduction, that no State should be allowed to commit a breach in a treaty system, the only sanction for which is the good faith of the States who are parties in its arrangements.

When Russia in 1871 proposed that, circumstances having changed since 1856, a modification in certain of the provisions of the Treaty of Paris was necessary, the subject was submitted to a fresh conference of the Powers, who thought the occasion a suitable one for recording a solemn contractual pledge as to the sanctity of treaties. The protocol, which forms part of the existing public law of Europe, runs as follows :—

It is an essential principle of the law of nations that no Power can liberate itself from the engagements of a treaty, nor modify the stipulations thereof, unless with the consent of the contracting Powers, by means of an amicable arrangement.

This was deliberately intended to prevent any party to the Treaty of Paris from setting up the rule *rebus sic stantibus*, which is supposed to be a tacit condition attaching to all treaties, enabling parties to them to escape from their provisions when the circumstances under which they were entered into have so changed as to render them obsolete or incapable of application. Italy is a party to this protocol, and if it were necessary to have any further ground than that which binds all civilised States to respect treaty obligations, she is bound by it.

But Italy's breaches of faith do not even end here. The Treaty of Paris (Art. 8) provides that :—

If any difference arise between the Sublime Porte and one or more signatories threatening the maintenance of their good

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relations, the Sublime Porte and any or each of these Powers, before resorting to force, will place the other contracting parties in a position to prevent recourse to such an extremity by their mediating influence.

We have an official denial¹ that Italy gave any opportunity to the British Government, before proceeding to extremities, to exercise any "mediating influence." Yet the terms of the provision are absolute; there is no loophole clause in it reducing its character to that merely of a pious injunction. It was deliberately framed to prevent the creation of *faits accomplis* by just such an action as Italy has taken.

¹ On November 3, in reply to a question by Mr. Gwynn, Sir E. Grey said:—"The first communication of any intention to seize Tripoli which H.M. Government received was the notification of the Declaration of War on September 30."

CHAPTER III

THE ANNEXATION OF TRIPOLITANA AND CYRENAICA

REUTER'S agency on October 26 telegraphed from Milan that the Italian Government had officially notified the Powers "of the cessation of Ottoman rule in North Africa" and announced that "the new Italian possessions extend from the Egyptian frontier on the east to Tunis on the west and as far south as the British and French zones of influence in Central Africa."

The decree of annexation¹ mentions no such boundary. Nor does the following letter, which the Marquis di San Giuliano addressed to the Powers on the subject, do so :—

"The occupation of the principal towns of Tripolitana and Cyrenaica, the constant success of our armies, the strong forces which we have sent there and those which we are making ready to send, make any further opposition from Turkey ineffective and useless; on the other hand, in order to avoid the effusion of blood, it is urgent to

¹ See p. 113. The matter is of some importance inasmuch as it would have conveyed a recognition of the lines of demarcation fixed by the Anglo-French declaration of 1899.

dispel any dangerous uncertainty in the minds of the population of these regions. For this reason, by a royal decree dated to-day, the Tripolitana and Cyrenaica have been definitely and irrevocably submitted to the full and complete sovereignty of the Kingdom of Italy.

“Any other less radical solution, which would have left even the shade of a nominal sovereignty to the Sultan over these provinces, would have been a permanent cause for future conflicts between Italy and Turkey, conflicts which might fatally have broken out later, even against the will of the Governments, at a time far more dangerous for European peace.

“The solution which we have adopted is the only one which definitely safeguards the interests of Italy, of Europe and even of Turkey: a peace agreed to on this basis will eliminate any cause for wide divergence between Turkey and Italy, and we shall be able much more easily to adapt (*inspirer*) our policy to the important interest which we have in the maintenance of the territorial *status quo* in the Balkan peninsula of which the consolidation of the Ottoman Empire is the essential condition.

“We are, therefore, very desirous, if Turkey's attitude does not make it impossible, that the conditions of peace be as much as possible in accordance with her legitimate interests and her

prestige. Tripolitana and Cyrenaica have ceased to be a part of the Ottoman Empire, but we are at present prepared to examine in a liberal and conciliatory spirit the means of settling in the most suitable and honourable manner for Turkey the consequences of irrevocably accomplished facts.

“Certainly, we could not maintain these conciliatory intentions if Turkey persisted in uselessly prolonging the war. We, however, trust that the Great Powers’ work of concord will bring her to take without delay wise decisions, and resolutions responding to her true interests and those of the whole civilized world. In any case, Italy will co-operate in obtaining such results by showing herself as ready to agree upon equitable terms of peace as she is resolute in her determination to adopt the most efficacious means of imposing it with the shortest possible delay.”

No official acknowledgment of this communication has thus far been published. Great Britain and other States have probably recorded their reservation of all rights under treaties with Turkey, seeing that Sir Edward Grey, in replying to a question on November 2, stated that “we are not admitting in any way that any treaty rights we have in Tripoli are *permanently* impaired by anything which may be taking place at the present moment.”

On November 8, in the following answer to a

further question, Sir E. Grey was somewhat more precise :—

The Italian Government have announced the annexation of Tripoli as no doubt hon. members would see, and I can only say that we reserve for examination the question how our treaty rights are likely to be affected. Until some case arises affecting them, and there has been time to examine the facts and what attitude we shall take in regard to them, I cannot give a definite reply.

Our treaty rights in the Ottoman dominions include among other matters ex-territoriality in matters of justice. The ordinary rule is that all persons within the territory of any State are subject to the jurisdiction of its law courts. In Turkey, under the so-called capitulations, it is not so. There the jurisdiction over foreigners is exercised by the Consuls of the State to which they respectively belong. In our case, special courts and judges are provided to deal with actions in which the parties are British subjects. Our treaty rights also include protection against customs duties being imposed in the Ottoman dominions exceeding a maximum of 11 per cent. *ad valorem*. These are rights affecting British citizens as such.

There are also the treaties of a political character guaranteeing the integrity of the Ottoman Empire and thus assuring permanent enjoyment of these rights throughout the Turkish dominions. The capitulation rights of British subjects are exercised by virtue of these political treaties

in Tripolitana and Cyrenaica as an integral part of the Ottoman Empire. As there is no question of treaty rights apart from those arising out of treaties with and concerning the Ottoman Empire, we can only understand by Sir Edward Grey's assurance that the Italian annexation, in so far as affecting the above treaty rights, is regarded by the British Government as inoperative.

The position as set out in the protest lodged by the Porte in the hands of Powers on November 7 states the position with accuracy.

This protest, the contents of which show that the annexation was not notified to the Porte, states :—

The imperial Ottoman Government learns that the Italian Government, having *motu proprio* promulgated a decree proclaiming the annexation of the Ottoman provinces of Tripoli and Bengazi, has communicated the same to the Powers. The Sublime Porte protests in the most energetic manner against this proclamation, which it considers as null and valueless, both juridically and in fact. Such an act is effectively void because it is contrary to the most elementary principles of international law, and equally so because Turkey and Italy are still in a state of war and because the Turkish Government is resolved to preserve and to defend by force of arms its sovereign rights, which are imprescriptible and inalienable, over the two provinces in question. On the other hand, this proclamation and its communication to the Powers constitute a double and formal violation of the engagements solemnly contracted under treaties, especially those of Paris and Berlin, as well by Italy towards the Great Powers as by the latter towards the Ottoman Government with reference to the territorial integrity of the Empire. Under these con-

ditions the annexation proclaimed by the Italian Government remains juridically null, just as it is an inexistent fact.

There is no doubt as to the inoperative character of the annexation as regards all the signatory Powers of the Treaty of 1856, who, having guaranteed Turkish integrity, remain bound to each other not to agree to any dismemberment of Turkey except by mutual consent. Under Art. 7 of that Treaty each of the contracting Powers severally (*chacune de son côté*) undertook "to respect the independence and territorial integrity of the Ottoman Empire" and guaranteed "in common the strict observance of that engagement," and furthermore stated that they would "consider any act having the character of a violation thereof as a question of general interest." No undertaking could have been framed in terms more emphatically forbidding separate action by any of the signatory Powers. As regards Turkey herself, the annexation, even should the Powers consent to it, can have no effect against her till she also has agreed to it, subject only to the rights derived from military occupation restricted or extended to its *de facto* limits, as the case may be. Annexation by right of conquest is merely a military occupation till the invader has forced the defeated State to accept terms of peace or of surrender.

Annexation is a term which has a precise meaning

in international practice. A sphere of influence implies no sovereignty, suzerainty implies a controlling power over the vassal State, a protectorate places its external relations under the direction of the protecting State. Annexation implies the complete displacement in the annexed territory of the Government by which it was previously ruled and the substitution for it of that of the annexing State. The annexed territory becomes an integral part of the dominions of the annexing State, with all the consequences of subjection to the new sovereign.

As regards military occupation, "Territory is considered as occupied," says Art. 42 of the Hague Regulations, concerning the laws and customs of war on land, of 1899 and 1907, "when it is actually placed under the authority of the hostile army. The occupation applies only to the territory where such authority is established and is in a position to assert itself."¹

The conditions set out in the regulations are deliberately intended to protect the population of invaded territory against being treated as if annexation had taken place. Arts. 43—50 provide that—

"Legal authority having *de facto* passed into the hands of the occupant, the latter shall take all steps in his power to re-establish and ensure, as far

¹ This provision, it is seen, forbids fictitious military occupations, just as the Declaration of Paris (1856) forbids fictitious blockades, and the General Act of Berlin (Feb. 26, 1885), within the scope of its application, fictitious annexations of territory (Art. 34).

as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country"; that any compulsion of the population of occupied territory to take part in military operations against its own country or any pressure on it to take an oath of fidelity to the hostile Power is prohibited; that if in the territory occupied the occupant collects taxes, dues and tolls imposed for the benefit of the State, he shall do so, as far as possible, in accordance with the rules and mode of assessment in force, and shall be bound to defray the expense of administering the occupied territory in accordance with the existing laws; lastly, that no general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it cannot be regarded as collectively responsible.

If annexation could be decreed by an invader without the consent of the invaded Power the whole population of the annexed territory might at once be made to pass under the allegiance of the invading sovereign, its legitimate acts of defence be made rebellious and punishable as such and the troops opposed to the invader be made to forfeit their right to be treated as belligerent. This is a *reductio ad absurdum* of any such proposition.

The Italian Government in decreeing the annexation of Tripolitana and Cyrenaica seems to have been following our own rather unfortunate

precedent in the Boer War. On September 1, 1900, General Roberts, on occupying the Transvaal capital, issued a proclamation announcing the annexation of the territories of the South African Republic. The war, nevertheless, continued for nearly two years after this proclamation, and in the end was terminated by an agreement in which representatives of the two expiring republics were described as "acting as the Government" of the South African Republic and Orange Free State respectively. The object of this annexation in South Africa, as seen from a proclamation issued eight days later, was to prevent the "late South African Republic" from granting concessions. The British authorities evidently thought that not only money might thereby be raised by the Boer leaders for carrying on the war, but that the future of the country might be compromised by concessions granted on terms agreed to under pressure of military necessity. The legal consequences of annexation, however, were never otherwise put into force; the Boers continued to be treated as belligerents in every respect, and the "draft agreement as to terms of surrender" treated the remnants of the Boer forces, notwithstanding the annexation, as a legitimate Government to the very last.

No better demonstration than this can be found to show the dangerous effect of illegal methods, resorted to under pressure of passing emergencies,

which may become precedents dissociated from the circumstances which give rise to them. It is useless now to discuss the ineptness of the British annexation in 1900, the effects of which would probably have been just as well obtained by the proclamation of October 8.

In conclusion, we are entitled to consider the annexation of Tripolitana and Cyrenaica not only as a breach of treaty engagements, but as in itself illegal. It is a mere expression of intention to which the Italian Government can only give effect after arrangement with Turkey and the other signatories of the Treaty of 1856. The Italian Government may have intended to follow the British example and confine the operation of the annexation to the grant of concessions. This may be its real meaning. The precipitation and illegality of the aggression have still to be accounted for ; the same circumstances which may have determined the aggression may also have determined a precipitate and illegal annexation.

CHAPTER IV

ITALY'S REAL CASE

IN the Italian ultimatum to the Ottoman Government the Marquis di San Giuliano referred to the "state of disorder and neglect in which Tripoli and Cyrenaica are left by Turkey," and the "absolute necessity" of these regions being allowed to enjoy the same progress as that attained by other parts of North Africa. "This transformation" constituted for Italy a "vital interest of the very first order, by reason of the small distance separating these countries from the coasts of Italy." The Italian Government therefore, with a view to the "guardianship of its dignity and interests, had decided to proceed to the military occupation of Tripoli and Cyrenaica." The Ottoman Government, it was hoped, would "give orders" not to offer opposition to this occupation and its necessary consequences. "Subsequent agreements" would settle the "definitive situation" arising therefrom. A peremptory reply within twenty-four hours from presentation of the ultimatum was requested.¹

¹ Dr. Dillon, in the November issue of the *Contemporary Review*, suggests that the Marquis di San Giuliano might have avoided the consequences of war and provoked negotiations by creating an incident such as the landing of

The grievances mentioned in the Italian Note were dealt with in the Turkish reply which wound up with the following, almost abjectly conciliatory, declaration of its readiness to give Italy satisfaction :—

Reduced to these essential terms, the present disagreement resides in the absence of guarantees calculated to reassure the Italian Government as to the economic expansion of its interests in Tripoli and Cyrenaica. In not proceeding to so grave an act as a military occupation, the Royal Government will be met by the Sublime Porte with the firm desire to smooth away this disagreement.

Thus, if the Royal Government will acquaint it with the nature of these guarantees, it will willingly subscribe to them so long as they do not affect its territorial integrity.

It undertakes to this end not to modify in any way whatsoever during the *pourparlers* the present situation in Tripoli and Cyrenaica in military respects, and it would like to hope that the Royal Government, yielding to the sincere dispositions of the Sublime Porte, will acquiesce in this proposal.

This reply was communicated to the Italian *chargé d'affaires*, says Reuter's agency, at 6 A.M. on September 29. On the same date, at 10 P.M., according again to Reuter's agency, the same *chargé d'affaires* handed to the Ottoman Government a note relating that :—

Though the term granted by the Royal Government to the Imperial Government for carrying out certain measures which troops on the Tripolitan coast and hoisting the Italian flag over a few towns. He instances our occupation of Egypt without disturbing the peace of Turkey the seizure of Manchuria by Russia, and, at the present moment, "the invasion of Persian territory by Turkey." See p. 62, note.

had become necessary has expired, *no satisfactory reply* has been received by the former Government. *The lack of such a reply is confirmatory evidence either of the ill-will or of the powerlessness of which the Imperial Government and authorities have given so many proofs*, particularly with regard to Italian rights and interests in Tripoli and Cyrenaica. The Royal Government is in consequence obliged to safeguard its rights and interests together with its honour and dignity by all means at its disposal. The result can only be regarded as the necessary, if painful, consequence of the conduct of the authorities of the Ottoman Empire. Friendly and pacific relations between the two States being thus broken off, Italy is henceforth at war with Turkey."

The statement that the terms of the Turkish note show *ill-will* seems an extraordinary perversion of the sense of words. We may, therefore, set aside as outside the real issue the grievances set up in the Italian notes, as well as in a semi-official statement of grievances of a still less cogent character, published in *The Times* of September 30, and described as having been received from an authoritative Italian source.¹ It is obvious that the real Italian case does not rest merely on the alleged "pin-pricks." We must look for Italy's real case elsewhere than in any alleged grievances against Turkey, and attribute the Italian aggression to motives lying much deeper and of a more general character than those alleged in the Italian ultimatum. Italian statesmen would certainly not have broken the contractual law of nations, or their

¹ See p. 114.

special treaty obligations, if there had not been grounds which they considered vital to Italy's self-preservation, forcing them to take a course capable of becoming a most dangerous precedent for their own future.¹

¹ An explanation of the precipitation with which Italy acted is given by a highly competent writer, Dr. Dillon, in the November issue of the *Contemporary Review*. It has the advantage of being the outcome of personal contact at the critical time with Italian politicians and statesmen.

"The Marchese di San Giuliano," says Dr. Dillon, "could have transacted this business diplomatically, without the fear of forfeiting aught that will be attained by the military expedition and the ensuing loss of life and money. And he allowed it to be believed that he had chosen this course. I was at Rome at the time. His friends told every one who cared to listen that the Foreign Minister was minded to do credit to Italy's reputation for pacificism. There would be no war unless Turkey declared it. The Marchese di San Giuliano would treat with the Porte and, if suasion failed, would send an expedition to Tripoli. This plan was trumpeted abroad in Rome, Milan, Naples, Genoa, and believed implicitly. And when one afternoon the tidings spread that Italy had formally declared war, the minister's friends and partisans were among his sharpest critics. It would be unfair to blink the fact that her real design and his characteristic method of masking it can be explained, if not justified, by the political conjunctions of the moment. In Germany and Austria the Consulta, which, unwisely, makes no distinction between the two allies, puts no trust. Germany was being hoist with her own petard, and she disliked it. She would gladly herself have leased or occupied Tobruk, if circumstances had been propitious. It was gall and wormwood to her to let Turkey be mutilated and humbled by Italy, whose aggression would damage the Triple Alliance in the estimation of the world and compromise each of the three partners in the eyes of the Young Turks. But as the Agadir venture had not yet been liquidated, Germany's hands were tied. Herr von Kiderlen was still bargaining with M. Jules Cambon. Towards Italy, during the negotiations, Germany could not afford to be churlish. Moreover, on the Italian fleet her Mediterranean policy rests. Italy's dubious fidelity to the Triple Alliance may not be reckoned a positive gain to the two militarist allies, but at least it is a guarantee that the strength of the Powers of the Triple Entente will not be reinforced. Those and other kindred considerations rendered the moment favourable to Italy, and forbade hesitation or delay. And the Italian minister may have deduced from this necessity for prompt action the danger of diplomatic wrangling. The state of war would be more advantageous. That, it seems to me, is the case for the Marchese di San Giuliano."

Would not this case have been stronger if the Marquis had taken action at

As long ago as 1842, Cesare Balbo, a statesman, diplomatist, and soldier, who withdrew for a time from active life, and in retirement thought deeply over the destinies of his country, wrote in his famous "Delle Speranze d'Italia," which for many years to follow served as a sort of political textbook for those who carried on the work of Italian unification, as follows :—

Italy, as soon as she is independent, as soon as satisfaction shall have been given to the needs which must occupy her thoughts entirely to the exclusion meanwhile of all others, will have in turn to think of that need of expansion, of expansion eastwards and southwards, which all Christian peoples feel. Then, Naples, if she is able to acquit herself well of her part as second Power in the work of independence, will be called upon to play the first part in this work of external expansion. Whether it be to Tunis, or to Tripoli, or to an island, or to any part of the Eastern Continent, matters not.

Even earlier still, Mazzini, in the fervour of Italian revivalism, had somewhere exclaimed :
"Northern Africa belongs to Italy."

Italians have never since ceased vaguely to regard North Africa as a sort of Italian sphere of influence. In a speech in the Italian Chamber of Deputies in 1894 (May 3) Baron Blanc, King

an earlier stage of the Franco-German imbroglio, instead of waiting till the eve of the settlement ?

Another explanation that the German Government encouraged the Italian action and kept France engaged till Italy was in possession, though there is some sort of coincidence in the circumstances, may be excluded from among plausible suggestions, seeing that France is the only Power which was explicitly bound to regard itself as *désintéressée*.

Humbert's Minister of Foreign Affairs, stated that Napoleon III. had officially given his assent to an Italian occupation of Tunis, and that, at the Conference of Berlin in 1878, it had been suggested that Italy might secure her position there without objection from the Powers. She seems to have regretfully refrained from acceding to these suggestions, for it is notorious that the Treaty of 1878, and especially its immediate results, provoked in Italy a feeling of disappointment which, after 1878, when the French proceeded (in 1881) to occupy Tunis and thus shut off all hope for Italy of ever possessing that coveted land, became one of deep resentment. In 1871 she had been very near laying hands on it herself, only having refrained from doing so on the representations of France.¹

The feeling in Italy was so intense that the then (May 12, 1881) existing Cairoli Cabinet had

¹ The Florence Cabinet, in the beginning of January, 1871, in consequence of a difference connected with the right of asylum, broke off relations with the Bey and hauled down their flag. A few days later the Italian squadron prepared to leave Spezzia with landing troops. The French Minister at Florence pointed out to Signor di Visconti-Venosta that it was not generous on the part of his Government to aggravate French embarrassments in Africa. Just then insurgent Arabs had sent an address to the Emperor William from the "Algerian people." It was feared that any military action on the part of Italy might excite native rebellion in Algeria at a time when France had all her available forces engaged in the national defence at home. He also pointed out that the French fleet was free. In those days the order of things was different from what it is to-day. It was not the representations of even Great Britain which deterred Italy from sending her expedition, but Turkey, who sent word that if the Italian squadron left Spezzia, it would be met at La Goulette by the Turkish fleet. *See* Auguste Brachet, "Italie qu'on voit, Italie qu'on ne voit pas. Réponse à Signor Nigra," Paris, 1883.

two days later to resign. At Marseilles, a month later, some Italians were so unable to control their feelings that they hissed French troops which were being acclaimed by the patriotic population of that city on their return from Tunisia, and exposed themselves to being lynched on the spot. A semi-official Roman newspaper in the following July suggested that Italy must thenceforward look to the Powers of Central Europe for the support she needed in the vindication of her overseas interests, and in the following year (May 30, 1882) Italy joined the alliance of Germany and Austria-Hungary.

Though the Triple Alliance had the advantage for Italy that it saved her situation as regards her powerful northern neighbour, it was soon discovered to be of no effect as regards Italy's African ambitions, for, as Signor Mancini, the Italian Foreign Minister, admitted, they were beyond its scope. Her Government had meanwhile turned its attention to reviving the old friendship with Great Britain, and out of negotiations in London came Italy's determination to begin the creation of her colonial empire in East Africa. Since then she has established her colony of Eritrea along 670 miles of the coast of the Red Sea, and her protectorate in Somaliland.

In 1900, the Eritrean possessions having taken a settled form, the Italian Government began to

give more attention again to the North African coast. In December, 1901, assurances seem to have been exchanged between the French and Italian Governments, in which Italy treated Tripolitana and Cyrenaica as her sphere of influence, and France pledged herself not to overstep the line of demarcation between the English and French spheres as set out in the agreement between them of March 21, 1899. In return for France not interfering with Italy's action in North Africa, Italy undertook, it is believed, not to interfere with France's action in Morocco,¹ where in the 'nineties she had been showing some activity of a more or less anti-French character.

Since then Italy has constantly watched over the two Turkish provinces with a sort of jealous suspicion. The *Giornale d'Italia*, on September 24, 1906, complained of the progressive French assimilation of all the routes of traffic from Tripolitana inwards, on which the future prosperity of the country depends. "It will result," said this paper, "when the time comes to keep the engagements entered into with us on the subject of Tripolitana, in our getting nothing but a bare bone." This was

¹ Whether there was a formal undertaking between France and Italy on the subject has not been made public, but M. Delcassé's speech of December 15, 1901, stating that France had no intention of pushing her influence beyond the limits of the Anglo-French agreement of March 21, 1899, combined with an uncontradicted statement made by him to the Paris correspondent of the *Giornale d'Italia*, was interpreted as meaning that the two Governments had come to an understanding on their respective interests in Tripolitana and Morocco.

said *apropos* of the French occupation of the oasis of Bilma, on the route from Tripolis to Lake Chad, some 300 miles south of the most southerly point of Turkish sway in Tripolitana, and well within the French sphere of influence as fixed in the agreement of 1899.

In 1908 a curious suspicion of German plans seems to have grown up in Italy, not unconnected probably with the increasing German influence at Constantinople, and the favour shown the Young Turks, after the revolution, by the German Ambassador. In the spring of 1908, just before the Turkish revolution took place, Italy had a quarrel with the Sultan over different grievances: difficulties placed in the way of Italian subjects acquiring real property in Tripolitana, and the unfriendly attitude of Ottoman authorities towards Italian consuls—in fact, complaints very much like those alleged as grounds of the present war. The Italian Government even made a naval demonstration, and obtained satisfaction on all points, one of them being recognition of the Italian post-office they had established under protection of their warships at Benghazi.

As late as February last year (1910) attention was called in the Italian Parliament to the encroachments of France on the Tripolitan frontier, as if it were already Italian soil. All this, be it said in passing, could hardly predispose the Turks to a

favourable view of Italian activity in their African vilayet. Still more recently the Italian Government even went the length of protesting against the sending by the Ottoman Government of military transports to Tripolis, and among the Italian grievances pointed out by the Italian Minister of Foreign Affairs in his ultimatum, reference was made to the "serious consequences" and "perils resulting therefrom." If France or Great Britain, as neighbours of Tripolitana and Cyrenaica, had made observations on the subject, they would have been comprehensible. On the part of Italy they only show that she openly regarded her interest in Turkish North Africa as one of incipient sovereignty already. And, in fact, she had been nursing it as if it were an Italian colony for many years. The Banco di Roma is the only bank which has an agency at Tripolis, and working on the lines of the German banks, it has been providing capital for any industrial and agricultural undertakings upon which Italians have ventured in the vilayet. The only line of steamers visiting Tripolis and Benghazi regularly is the subsidised *Società Nazionale di Servizi Marittimi*,¹ which monopolises the coasting service. Italians have also been planning the creation of a railway from Tobruk to Alexandria,

¹ The "Compagnie de navigation mixte" has a weekly coaster which calls at the different ports from Tunis to Tripolis, but goes no farther.

which, according to a recent Italian book,¹ would considerably shorten the journey to Egypt and India. The Italian Government subsidises a whole system of education,² has established a hospital with an Italian medical staff, and in short has for some time back been preparing the way for an occupation which does not appear to have been intended to take the brusque character of Italy's present action.

It is seen that any rumour of an agreement between a third Power and the Ottoman Government having reference to the lease of a port or coaling station,³ though a lease would not affect

¹ Piazza, "La nostra terra promessa," Rome.

² The Italian Government maintains at Tripolis an infant school, a primary school for girls and another for boys, and even a school for technology and commerce. The technical school has seven professors and forty-one scholars. Among the subjects Arabic is taught as a branch of the education. In all there are 800 to 900 pupils in these Italian schools. The annual sum contributed by the Italian Government for their upkeep is about 46,000 lire, of which about 17,000 are applied to the technical commercial school. At Benghazi the Italian Government subsidises only a girls' school. The French Government also subsidises schools on a smaller scale at both Tripolis and Benghazi, in which, by the way, the teaching of the Italian language is compulsory (Minutilli, "La Tripolitania," 2nd ed., Torino, 1912, p. 446).

³ A writer in the November issue of the *National Review* makes a statement in this sense for which he seems to imply that he has some authority. "Those who are acquainted," he says, "with the influences which are paramount at Constantinople, are inclined to believe that Turkey's consent" (to a Franco-Turkish commission for the delimitation of the Tuniso-Tripolitan boundary) "was secured by the agency of Germany. It is indeed more than probable that the German Government may have been desirous of furnishing evidence of good-will in view of one or other of the minor colonial negotiations which have intermittently been pending between Paris and Berlin during the last two or three years. To the Porte Germany may well have represented that her conversations with France afforded an excellent opportunity for a Franco-Turkish settlement, which the German Government

the integrity of the Ottoman Empire, would create a feeling of deep anxiety in a country the successive Governments of which, without distinction of party, had taken such pains to secure the acknowledgment of its right of pre-emption. This accounts for the unanimity throughout Italy with which her Government has been supported in its action, in spite of its illegality and in spite of the liberal feelings of a people which owes its independence to a struggle for freedom not unlike that of Young Turkey. Such a case, it may be said, is not a very strong one on which to base a sudden declaration of war against an ostensibly friendly State ; but there is this to be said in attenuation of Italy's action, that her statesmen have never concealed, but, far from doing so, have long proclaimed from the housetops that they regarded Tripolitana and Cyrenaica against all the world but Turkey herself as already belonging to Italy. Turkish statesmen knew this, and it was for them to deal with a notorious situation and place themselves beyond danger of a surprise, which they might even have done by negotiation of some contractual

would endeavour to render as favourable to Turkey as possible. The price of German good offices might have proved to be Marsa Tobruk or some other Tripolitan harbour which might have been considered suitable as a site for a German coaling-station in the Mediterranean. . . . In any case Italy appears to have had reason to fear that what she had come to regard as her inalienable inheritance in Tripoli might be seriously diminished, if not altogether entailed, under cover of a Franco-German boundary commission, promoted by Germany at the price of a footing for herself on the Tripolitan coast."

arrangement with so open-minded a statesman as the Marquis di San Giuliano. On the other hand, if it is true that negotiations were pending which might in any way have frustrated Italy of her expectant possession, the Turkish Government can hardly claim the full protection of the Treaties of 1856 and 1878 against the exercise of a right of pre-emption which had been recognised tacitly by all the Powers¹ and explicitly by at least one.

This may explain Italy's resorting to force unprecedented by peaceful negotiations, but it does not exonerate her from the guilt of an unprovoked aggression or exempt her from the duty of fully indemnifying Turkey and adjusting her legal position with reference to the other parties to the Treaties of 1856 and 1878. Whatever the faults of the Committee of Union and Progress—and it is to be feared they may have forfeited much of European esteem by hampering the development of the original programme of "equality and liberty" for all Ottoman subjects,²

¹ "No surprise was caused among politicians," writes Dr. Dillon in the November issue of the *Contemporary Review*, "when in 1905 Signor Tittoni stated in the Italian Senate that the Powers had recognised Italy's privileged status in Tripoli, and added that King Victor Emmanuel's Government would abstain from enforcing these rights by a military occupation until circumstances should render it indispensable. The protectorate by Italy of Tripoli, he explained, was a *sine quâ non* for the maintenance of the equilibrium in the Mediterranean. For the time being all that he asked the Porte to grant to his countrymen in the African vilayet was encouragement and furtherance for their commercial and industrial enterprise. Had this been accorded, Italy and Turkey might not have been at war to-day. But it was denied with derision."

² The following passage from Sir E. Pears' volume on "Turkey and its People" (London, 1911) may be taken as an authoritative statement on the faults (and their explanation) of the Young Turks, a subject with which no

we must not lose sight of the difficulties the Young Turks have had and still have to contend with, or

other foreigner at Constantinople has had chances equal to his of being personally familiar :—

"It is constantly asserted that the Muerzeg programme precipitated the revolution of July, 1908. The fear which existed among Young Turks was that the Powers would declare that Macedonia should be formed into an autonomous State and thus be separated from Turkey. I do not know whether such a course had been agreed upon. Probably not; but the possibility of it was at least one of the causes which made the Committee of Union and Progress quicken their pace.

"Everyone knows that this revolutionary movement began in Macedonia, that its headquarters, from which action was directed, was at Salonika and that Albanians, Bulgarians, and Greeks joined hands to bring it about. Such a union of hitherto hostile races in Macedonia had never before been seen. . . .

"A series of blunders were made by the Government which has gone far to compact Albanians, Bulgarians and Greeks into opposition against the Turks. The Committee of Union and Progress, containing some enlightened men among them, decided apparently to Turkify every race and institution in the Empire. Not only must the Albanian learn to read his own language only through Turkish characters, but Turkish must be taught in every school. The Arab with his semi-sacred language must communicate with Government in Turkish. So also with the Greeks and Armenians. Old established institutions which, for a century, like the Ottoman Bank, had communicated in French, were informed that henceforward their letters must be in Turkish. . . ."

In mitigation of the blunder of the Committee Sir Edwin points out that "it soon came to be noticed that in spite of the popular demonstration in the capital and elsewhere for brotherhood and equality, the adherents of the old system, the legion of spies and dismissed employés, pointed to the committee and Government as one composed of atheists, Jews, and enemies of Islam. The sneer was, of course, unjust; but the presence of Ahmed Riza, who, with his transparent honesty, avowed himself a positivist, the outspokenness of some of the orators in the first bloom of the revolutionary period, and the presence of one or two Jews, able and loyal as they had proved themselves to be, gave colour to the slander.

"... The leaders of the new movement, when they recovered power, had to appease their followers by showing that they were good Moslems and neither atheists, Jews, nor unbelievers. . . . It was necessary to conciliate the ignorant Turkish Moslem. . . .

"It is impossible to exonerate the Government from blame, but it is just to point out their difficulties. The first and most important was the absence of men accustomed to administration." . . . In many cases they had to choose men whose experience had been acquired under the Hamidian *régime*, who had all the old prejudices against Christians, "the old tradition of stamping out opposition to the Government by means of arbitrary arrest, torture and cruel

forget that their practically bloodless revolution and the new *régime* are still barely three years old. The question, however, is not one of the internal misgovernment of Turkey, but one involving the binding effect of international treaties, on respect for which the stability of Europe is dependent.

Although there may be cases, and the present Italian aggression may be one, in which the breaking of a treaty and the condonation of the breach by the other parties to it is the lesser of two evils, the breach always constitutes a precedent, and in international relations precedents have an effect *per se* independent of their originating causes. Tacit acquiescence by the co-contracting Powers is a sort of licence to others to commit further breaches, and this can only foster that spirit of distrust and

punishment. . . . The Government blundered and committed grave errors which it must be said they are now trying to correct" (pp. 239—243).

Dr. Dillon, in the December (1911) *Contemporary*, lays another charge at the Young Turks' door. "For some years past," he says, "the Turks have been lawlessly doing in Iran what the Italians are brandmarked for perpetrating in Tripoli. In the midst of profound peace and under pretext of brotherly love and guardianship, Turkey has invaded Persia, established her rule in various districts belonging to the Shah, and forced the inhabitants first to pay for the creation of purely Ottoman schools, and then to send their sons thither. And this policy of 'grab' inaugurated during Persia's inner troubles, and the consequent powerlessness of the Teheran Government to withstand aggression, is being carried out systematically, in defiance of frequent and earnest remonstrances on the part of Russia and Great Britain. . . . And now the tables are turned and Turkey has to appear in the rôle of lamb and victim. This tragic fall has one good side; it will at least enable her to pick up sound ideas on the subject of justice and look at it from the view-point both of the wrong-doer and the wronged."

Compare with this Lord Cromer's interesting and valuable account of the scramble for the *disjecta membra* of Ismail Pasha's dominions in his "Modern Egypt," Vol. II., p. 35.

unrest among nations which is at the root of the present disastrous competition in military and naval expenditure. Powers may, as they have done before, "provoke" a *post factum* legalisation of Italy's action, and if we assume that they are prepared to acquiesce in the present disturbance of the Mediterranean *status quo*, their representatives will probably meet, as they did in 1871 after Russia's violation of the Black Sea clauses of the Treaty of 1856, accept the inevitable, and, it is to be hoped, reaffirm the sanctity of treaties—a principle which in the interest of international stability and law cannot be insisted upon too often.

It must not be forgotten that the three men at present at the head of affairs at Rome are predisposed to take a forward view of Italy's place in the world. The King, Signor Giolitti, and the Marquis di San Giuliano have alike, though in different ways, the idealism of the makers of modern Italy. Those who have had the privilege of any intercourse with the energetic sovereign who presides over Italy's destinies know the pride he takes in the development of her industries and the growth of her maritime expansion. Signor Giolitti, a Piedmontese born and raised in the land of the liberators, a disciple of Cavour, and a member in his time of a Crispian Ministry, is not a man to be satisfied that Italy should be overlooked in any distribution of territorial spoils. The Marquis di

San Giuliano is a Sicilian, who looks farther back than either, a scholar, an authority on Dante, a historian who dreams of a regenerated Italy worthy of her glorious traditions, an Italy such as Mazzini and Cesare Balbo dreamt of. These are not the men to be indifferent where Italy's chance is thrown across their path. But they are also men jealous of Italy's honour, and who, having assailed Turkey in her hour of weakness, can be counted upon to indemnify the sufferer in no mean or haggling spirit.

Turkey, Italy, and Great Britain, neighbours in the Eastern Mediterranean, when the Tripolitan question is settled, may find they have a common interest in the preservation of the *status quo* around them. An *entente* among them may give Turkey, relieved of some of her external anxieties, a new lease of life to work out her own salvation, and it may help the Marquis di San Giuliano towards the realisation of his well-known theory that Italy in the Mediterranean must have her hands free.

CHAPTER V

SUGGESTED INDEMNITY TO TURKEY

THE suggestion that the Tripolitan question may be settled by the payment to Turkey of a substantial indemnity has been several times mooted in the Press. The first mention of the subject came from *The Times* correspondent in Paris, who wrote on October 2 that there was reason to believe that Italy was prepared to consider terms of peace on the basis of the complete and unreserved cession of Tripoli by Turkey in exchange for an indemnity to be paid by Italy. "The sum of 60 million francs," he added, "is mentioned here, which would be approximately the sum (£T.2,500,000) which was paid by Austria-Hungary as an indemnity for the annexation of Bosnia and Herzegovina. As a result of inquiries in competent quarters, I am assured that Italy would be prepared to conclude a bargain of this kind on what are described as 'very generous terms.'"

The Italian Ambassador in Paris is Signor Tittoni, an ex-Minister of Foreign Affairs, whose official views of the Tripolitan question are mentioned elsewhere.¹

¹ See p. 60.

The *Temps*, however, deriving its information from a Turkish source, stated the following day, apparently in answer to this "feeler," that it was doubtful whether Turkey would be prepared in the then existing circumstances to entertain the idea of a pecuniary indemnity.

On October 13, another "feeler" came through the Rome correspondent of the *Central News* in the following reduced terms :—

It is not thought that any difficulty is likely to arise should Turkey demand the payment of an indemnity, provided her demands are reasonable. A member of the Government made the following statement to me :—

"Austria gave Turkey 55,000,000 lire for Bosnia and Herzegovina, two rich and densely peopled provinces. For Tripoli and Cyrenaica, which are poor and lacking in everything, the Porte cannot request as much. An indemnity of from 20 to 30 million lire ought to be sufficient."

A week later, on the 20th, the Rome correspondent of the *Temps* telegraphed that the opinion in the most authoritative quarters there was that the Italian Government would be prepared, in return for the complete annexation of Tripoli, to make an offer to Turkey of "a sum of money in compensation for the Crown domains and artistic and archæological property expropriated, a declaration analogous to that given by Austria at the time of the annexation of Bosnia and Herzegovina; a pledge of readiness to renounce the capitulations whenever the other Powers decide to

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do so ; consent to an increase of 4 per cent. in the customs duties ; an authorisation to the Moslem population of Tripoli to recognise the Sultan as its religious chief, who would be represented by a Grand Mufti ; and lastly, loyal assistance in the preservation of the integrity of the Ottoman Empire, both in Europe and in Asia, and in the maintenance of the *status quo* in the Balkans."

Finally, in the covering letter communicating the annexation to the neutral Powers,¹ the Marquis di San Giuliano intimated that the Italian Government would be prepared to "examine in a liberal and conciliatory spirit the means of settling in the most suitable and honourable manner the consequences" of the annexation "in accordance with Turkey's legitimate interests and prestige."

These different tentative suggestions show that the Italian Government is prepared to negotiate, and that the precedent of Bosnia and Herzegovina seems to it the most analogous case on which to base *pourparlers*.

The Bosnia-Herzegovina indemnity, however, was not an indemnity for provinces ceded to Austria-Hungary at all. The provinces in question had been delivered over to be administered by Austria-Hungary by the Powers assembled at Berlin in 1878. During thirty years of admirable administration by Austria-Hungary, Bosnia-Herze-

¹ See p. 40.

govina developed from being in about the present state of Tripolitana and Cyrenaica into probably the best governed and most prosperous of the Balkan communities. The inhabitants of the provinces had served for many years in the Austro-Hungarian Army along with the inhabitants of other parts of the Dual Monarchy, and in this and in other respects they had been treated in the same manner as other subjects of the Emperor-King, who during the whole period exercised his *de facto* absolute tenure unchallenged by the Powers or by Turkey. When the new *régime* came into force in Turkey, Austria-Hungary gave legal effect to a *de facto* situation by annexation and the grant to the provinces of the same representative government as enjoyed by the other provinces of the Empire-Monarchy. As the annexation deprived Turkey of no tribute, nor of any revenue, seeing that for thirty years the Bosnians had paid none to Turkey, the Austro-Hungarian Government would not entertain the idea of paying an indemnity for an annexation which had been to all intents and purposes effected thirty years before. It admitted, however, that the recognition by Turkey of the change of status was an advantage which had a value. The Turkish Government originally made out a claim based on the loss of revenue during thirty years, and a composition on the same basis for future loss. This reached a heavy figure against which, however, Austria-Hungary

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would have considered herself entitled to set off the expenditure the administration of Bosnia-Herzegovina had entailed upon her. The balance payable to Turkey might have been reduced to a very small amount, if any. The basis of negotiation was then changed, and eventually the ingenuity of Count Aehrenthal and of Freiherr Stephan Burián, joint Minister of Finance, evolved the theory of the Crown lands, and the indemnity for their possible value, which was fixed at about £2,400,000.¹

¹ The agreement, dated Feb. 26th, 1909, in full was as follows :—

“Le gouvernement ottoman et le gouvernement impérial et royal commun d’Autriche-Hongrie, désirant donner d’un commun accord une solution à certaines questions pendantes entre eux, les soussignés, Houssein Hilmi pacha, grandvizir, Gabriel Effendi Noradunghian, ministre *ad interim* impérial ottoman des affaires étrangères, et Jean, marquis Pallavicini, ambassadeur extraordinaire et plenipotentiaire d’Autriche-Hongrie, dument autorisés par leurs gouvernements respectifs, sont convenus des stipulations suivantes :—

“Article premier. L’Autriche-Hongrie déclare renoncer d’une façon expresse à tous les droits qui lui ont été conférés par rapport à l’ancien sandjak de Novibazar par le traité de Berlin et la convention de Constantinople du 21 Avril, 1879.

“Art. 2. La convention du 21 Avril, 1879, ainsi que la protestation de la Sublime Porte contre la décision du gouvernement commun d’Autriche-Hongrie concernant la Bosnie et Herzegovine et toutes les autres dispositions ou stipulations existantes entre les hautes parties contractantes et contraires à cette décision sont abrogées et remplacées par le présent protocole qui constate que toute divergence au sujet de ces deux provinces est aplanie entre elles et que le gouvernement ottoman reconnaît d’une façon expresse le nouvel état de choses en Bosnie-Herzegovine créé par la dite décision.

“Art. 3. Les originaux de la Bosnie et de l’Herzégovine qui se trouvent actuellement en Turquie à l’exception des personnes indiquées dans les notes qui seront échangées entre les parties contractantes lors de la ratification du présent protocole, ainsi que les sujets ottomans originaires des différentes parties de l’empire ottoman de passage ou en résidence fixe en Bosnie-Herzegovine, continueront à conserver leur nationalité ottomane comme par le passé. Les habitants de la Bosnie et de l’Herzegovine domiciliés dans ces provinces seront libres d’émigrer dans l’empire ottoman, en se conformant comme auparavant aux lois de la Bosnie et de l’Herzégovine et ils seront

It is seen that there is no parity between the annexation of Bosnia-Herzegovina and that of Tripolitana and Cyrenaica.

admis en Turquie, comme ottomans ; ceux-ci de même que les originaires de la Bosnie et de l'Herzégovine qui se trouvant actuellement en Turquie, auront toujours le droit de disposer pleinement de leurs immeubles sis en Bosnie et en Herzegovine, de les affermer ou de les administrer directement par eux mêmes ou par des tiers. Il est entendu que les originaires de la Bosnie et de l'Herzegovine qui, sans esprit d'emigration, se rendraient désormais en Turquie y seront traités sur le même pied que les sujets autrichiens ou hongrois.

"Art. 4. La liberté et la pratique extérieure du culte musulman seront assurées comme par le passé aux personnes habitant ou séjournant en Bosnie et en Herzegovine. Les Musulmans continueront à jouir des mêmes droits civils et politiques que tous les habitants de la Bosnie et de l'Herzegovine appartenant à d'autres cultes. Le nom de sa Majesté Impériale le Sultan comme chليفة continuera à être prononcé dans les prières publiques musulmans. Les droits des fondations pieuses (vakoufs) seront respectés comme par le passé et aucune entrave ne sera apportée aux rapports de musulmans avec leurs chefs spirituels qui dépendront comme toujours du cheik-ul-islamât à Constantinople, lequel donnera l'investiture au reis-ul-ulema.

"Art. 5. Une décision arbitrale ayant constaté de plus que d'après le code foncier ottoman l'Etat ottoman possédait en Bosnie Herzegovine des biens immeubles de diverses natures, le gouvernement commun d'Autriche-Hongrie s'engage à payer à Constantinople dans un délai de quinze jours qui suivront la ratification du présent protocole au Gouvernement ottoman une somme de deux et demi millions de livres turques en or comme contrevaletur de ces biens immeubles.

"Art. 6. L'Autriche-Hongrie s'engage à conclure avec la Turquie dans un délai de deux ans à compter de la date de la ratification du présent protocole, sur la base du droit public européen, un traité de commerce qui sera mis en vigueur en tant que les autres traités de commerce de la Sublime Porte seront conclus et mis en vigueur sur la même base. En attendant, l'Autriche-Hongrie consent, après un délai de quinze jours à partir de la ratification du présent acte, à l'élévation de onze à quinze pour cent des droits de douane ad valorem en Turquie, ainsi qu'à l'établissement de nouveaux monopoles ou au prélèvement de surtaxes de consommation sur les 5 articles suivants : pétrole, papier à cigarettes, allumettes, alcools, cartes à jouer. Tout cela à condition qu'un même traitement soit appliqué simultanément et sans distinction aux importations des autres pays. En tant qu'il s'agit de l'importation d'articles faisant l'objet d'un monopole, l'administration de ces monopoles est tenue de se fournir d'articles de provenance autrichienne ou hongroise suivant le pourcentage établi sur la base de l'importation annuelle de ces mêmes articles, pourvu que les prix à offrir pour la livraison des articles de monopole se conforment à la situation du marché au moment de l'achat, tout en prenant en

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The nearest analogous case in our time is that of the purchase of the Philippine Islands by the United States on the conclusion of the Hispano-American war. The sum paid in that case was \$20,000,000 (£4,000,000). The geographical value of the Philippines to the United States is obviously much inferior to that of Turkish North Africa to Italy. The very fact that Italy has risked a war and incurred the odium of the civilised world in her effort to secure these provinces shows that they have a very considerable value for her. In such conditions the amount payable should, of course, be assessed rather on Italy's gain than on Turkey's loss.

Nevertheless, it is well to examine another

considération les qualités des marchandises à fournir et la moyenne des prix qui ont été notés dans les trois dernières années pour les dites qualités. Il est en outre entendu que, si la Turquie au lieu d'établir de nouveaux monopoles sur les cinq articles susmentionnés, se décidait à les frapper de surtaxes de consommation, ces surtaxes seraient imposées dans la même hauteur aux produits similaires de la Turquie et de toute autre nation.

"Art. 7. Reconnaisant le droit régalien du gouvernement ottoman sur le service des postes, le gouvernement commun d'Autriche-Hongrie s'engage à supprimer dès la ratification du présent acte les offices postaux impériaux royaux fonctionnant actuellement en Turquie dans des localités où il n'existe pas d'autres bureaux de poste étrangers. Il s'engage en outre à supprimer également les autres offices postaux impériaux royaux dans l'empire ottoman au fur et à mesure que les puissances ayant des bureaux de poste en Turquie auront supprimé les leurs.

"Art. 8. La Sublime Porte se proposant d'ouvrir en conférence européenne ou autrement avec les grandes puissances intéressées des négociations en vue de faire cesser le régime capitulaire en Turquie en le remplaçant par le régime du droit international, l'Autriche-Hongrie en reconnaissant le bien fondé de ces intentions de la Sublime Porte déclare dès maintenant vouloir lui prêter à cet effet son plein et sincère appui.

"Art. 9. Le présent protocole sera ratifié et entrera en vigueur immédiatement après l'échange à Constantinople aussitôt que faire se pourra et au plus tard dans deux mois."

analogy in considering Turkey's possible loss. It would be absurd to take the Egypt of to-day as a criterion of Turkey's loss in 1840, but we can take into account the Egypt of seventy years ago, twenty years before the Suez Canal made her practically the axis of the Eastern hemisphere, a time when her population was between 1,500,000 and 1,800,000¹ and their condition almost as wretched as that of the Tripolitan population of to-day, as an appropriate criterion. The Egyptian tribute was fixed in 1840 at about £376,000,² which capitalised at $3\frac{1}{2}$ to 4 per cent. would amount to about £11,000,000. If we take the revenue at present raised in Tripolitana and Cyrenaica, averaging, it seems, about £142,000, as *pro tanto* corresponding to the Egyptian tribute, it would give, capitalised at the same rate, about £4,000,000.³

From the point of view of population as a financial resource, the proportion of the population of Egypt in 1840 to that of Tripolitana and Cyrenaica to-day (about 1,000,000) would be in round figures as 16 : 10. This in terms of the

¹ See Williamson's Handbook to Egypt, 1847.

² In 1866 the tribute was raised to £720,000, but that does not concern us.

³ They are not really parallel because the cost of administration in Tripolitana and Cyrenaica has to come out of their revenue, whereas no deduction for administration is made from the tribute. The basis on which the Bulgarian tribute was fixed under the Treaty of Berlin of 1878 was "the mean revenue of the territory of the Principality" (Art. 9). As regards the amount available for the *Administration de la Dette Ottomane* the loss, according to M. Henry Maurel, would be between £T.50,000 and £T.60,000, or 1 to 1½ per cent. of the total (*Revue politique et parlementaire*, Dec., 1911).

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Egyptian tribute of 1840 would give some £235,000 for the latter as against the £376,000 paid by Egypt in 1840. Capitalised at the same rate as above, this sum of £235,000 would work out at about £7,000,000. To obtain equivalence a sum would have to be added corresponding to the diminution in the purchasing power of money which has taken place since 1840. The cost of upkeep of an army, of artillery, of warships, the salaries of civil servants, the wages of artisans and labourers and all the different uses to which public money is put have risen since 1840 by possibly over 100 per cent. If so, the proportion of the contributive value per head of population of Egypt in 1840 to that of Tripolitana and Cyrenaica in 1911 would be at least doubled, and as compared with £752,000 for Egypt the proportion would be £470,000. This capitalised at $3\frac{1}{2}$ to 4 per cent. would raise the amount of an indemnity proportionate to the Egyptian tribute in 1840 to some £13,000,000 to £14,000,000.

Whatever be the basis chosen, it is obvious that any calculation founded on existing facts and precedents implies a much more generous settlement than any sum thus far mentioned in the Italian "feelers." •Apart from the question of the value of Turkish North Africa to Italy, which must be considerably greater than its value to Turkey owing to Italy's more abundant means for its development, there is also the indemnity payable to Turkey for

the cost in which an unprovoked war has involved her. The fact that she declared her readiness to redress any Italian grievances ought in justice to be included among the considerations to be weighed in the fixation of the sum due; they would warrant an arbitration court in charging the whole of Turkey's expenses to Italy. Lastly, an indemnity might be justly claimed for the damage suffered by the Ottoman Empire through its loss of prestige, a matter of greater importance to the new *régime* than those who do not know near Eastern lands may at once appreciate.

Statements have been made that no Turkish Government would dare to accept the principle that questions arising out of an unprovoked and humiliating aggression can be solved by acceptance of an indemnity. This, however, appears necessarily to depend upon the terms made. Arbitration under which, the parties having agreed on the surrender of the Tripolitana and Cyrenaica to Italy, the arbitrators were empowered to take all the above considerations into account in ascertaining the indemnity due for the whole loss and damage to Turkey of the present war, would certainly commend itself to a large number of Turkey's friends.¹ For, though Italy's conduct in

¹ See, however, the following letter from Prof. E. G. Browne in the *Manchester Guardian* of November 27: "I am sorry to dissent from any opinion advanced by so good a friend of Turkey and Persia as Sir Thomas Barclay, but I feel it necessary to challenge one suggestion put forward by

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entering upon this war may stand condemned at the bar of history, there is little hope of her evacuating the invaded provinces, now that she is there unopposed by other Powers. The reasons for this condonation of an aggression, all the possible lateral effects of which cannot yet be foreseen, unfortunate as they may be, are connected with old-standing undertakings which may now be regretted, but which were entered into at a time when Turkey seemed on the eve of disruption—entered into with the meritorious desire in the general interest, including that of the Turkish population themselves, of avoiding conflicts which might have involved more than one Power in a dangerous rush to share in the spoils of dismemberment of the Ottoman Empire.

him in his letter . . . in your issue of to-day. He implies in the last paragraph of this letter that 'Turkey might possibly be induced to accept such an indemnity as would be a compensation not only for the loss of Tripoli, but also for the damage to her prestige.' Not only do I see no indication of any such willingness on Turkey's part to compound the Italian felony for any sum however large, but I venture to think that it would be equally unwise and wrong on her part to entertain for a moment any such proposal. Is she to abandon to their fate these poor Arabs, her co-religionists, and in this crisis her loyal allies, who have suffered so horribly for her sake, and for the sake of Islam, at Italy's hands? Is she to withdraw her troops and disarm these Arab allies, to hand them over, like sheep to the slaughter to the Italian butchers? If she should do this her prestige as the chief Moslem Power and protectress of Islam would be not merely damaged but destroyed. I believe that the Turks are resolved, and rightly resolved, to fight to the end; I think their case is less hopeless than is often assumed; and I am convinced that nothing would so greatly conduce to the restoration of international morality, lately so grievously shaken, as the complete failure of Italy to secure, as the result of her criminal raid, any foothold whatever in Tripoli."

CHAPTER VI

BRITISH INTERESTS

IN connection with the annexation of Bosnia-Herzegovina, which was merely the conversion of a *de facto* into a "formal" annexation, much official and unofficial indignation was expressed, and with a vehemence the sincerity of which was unmistakable, though based on a mistake of facts. Yet no Western interests, except those supposed to be involved in the question of the respect due to treaty engagements of a political character, were affected. Nor had the annexation of these ex-Turkish provinces any particular bearing on political interests in the Mediterranean.

The annexation of Tripolitana and Cyrenaica, on the contrary, affects British interests both political and commercial, and although it is a deliberate violation of treaty engagements, it appears to have excited no official indignation at all.

From the more or less abstract point of view of future emergencies, we have to consider what possible effects the occupation of these provinces, or of a port on their seaboard, by a northern

great Power might have had on the British position in Egypt.

It is obvious that the weaker Egypt's immediate neighbours are, the smaller must necessarily be the chances of the Nationalist Party in that country obtaining countenance for their agitation against the British occupation. On the other hand, a powerful and possibly unfriendly neighbour in Cyrenaica, it is equally obvious, would oblige Great Britain to proportionately strengthen her position in Egypt.

The inability of the Turkish Government, unsupported by the requisite naval power, to protect Tripolitan ports against capture has now been demonstrated. British diplomacy has no doubt considered the position which might have arisen, had Turkey been confronted with a state of things, in which by compulsion, persuasion or compensation, she had found herself obliged to cede her African vilayet to a Power with interests opposed to those of Great Britain.

Contemporary development of means of communication has now rendered surprises possible which only recently would have been regarded as contingencies too remote for practical consideration. The fact that Italy, under the protection of her fleet, has been able to land large bodies of troops on the Tripolitan coast at a distance of over 150 miles from her port of embarkation without preparations attracting any public attention, is a

fact of much significance,¹ and though the occupation by Italy may not be the gravest of possible contingencies, it already means a change in Mediterranean conditions which may entail important consequences for this country, however friendly our new neighbour may be or may remain.

One immediate consequence may be the need of strengthening the British occupation of Egypt in the proportion required to meet the possible, however apparently remote, contingency of Italian hostility or of an Italo-Turkish combination, as well as a reconsideration of the British naval position in the Mediterranean generally.

Another contingency which might no doubt arise is an anti-Italian attitude on the part of the two Powers of Central Europe, based on an anti-Italian attitude in Turkey; but as, for the time being at least, common interests will possibly draw the

¹ This observation is not intended to suggest any argument respecting British coast defence. In the December *Fortnightly* (1911), Mr. Archibald Hurd discusses the lessons of the Italian invasion, and concludes that "the experience of Italy not only reveals the impracticability of sudden invasion of an island kingdom . . . but it also shows the extreme difficulty which an enemy would have in landing on our shores small raiding forces of even ten of five thousand men. . . . After an interval of about a month from the declaration of hostilities, the Italians succeeded in landing 25,000 men on the African coast, and for another month they have had the greatest difficulty in holding their positions in face of guerilla warfare conducted by a few thousand Turks, supported by Arabs—a contemptibly small, untrained, and undisciplined force. The experiences of the Italian troops are hardly calculated to encourage an enemy to invade the British Isles (with never less than 300,000 men under arms), even if he were convinced that he could triumph over the difficulties attendant upon an attempt to land in a country possessing a supreme sea-going Navy and an active and efficient mobile coast defence."

Powers of the Eastern Mediterranean together, as soon as the present complications are over, the effects of such hostility are still remote. These are the apparent political interests involved in the retention of our command of the route to our Asiatic dependencies.

There are other interests of a commercial character involved in Italian possession of Tripolitana and Cyrenaica. Possession by Turkey has the advantage that Turkey is a market in which all nations compete on equal terms. Possession by Italy may mean a preference for Italian goods, unless our Government, as the price of its acquiescence in the Italian invasion, is able to secure the same terms of equal treatment as Germany has been able to secure from France as the price of her acquiescence in French political penetration into Morocco, an example which, it is to be hoped, be it said in passing, will be insisted upon in the future in connection with all new acquisitions of territory involving existing neutral interests.¹

The geographical position of the Tripolitana is now familiar enough. Tunisia stops at the Little Syrtis, and at the angle of the bay starts a long line of coast desert away to the Grand Syrtis, the bay where Cyrenaica bulges out in the east, as Tunisia does in the west, the two forming the flanks of a wide gulf.

¹ See Barclay, *Problems of International Practice and Diplomacy*, pp. 133 *et seq.* and 153.

The gulf and the coastal desert which stretches along it form a sort of gateway into the Sahara, which for a thousand miles inland and expanding east and west is traversed by caravan routes to the several oases which dot its otherwise lifeless surface, and far across the desert into the populous areas of Central Africa.

A commercial interest which, later on, may arise out of the annexation is the competition which the Italian possession of Tripolis may stimulate in areas which at present are reached by these caravan routes. "He who possesses Tripolis will be master of the Soudan." This forecast is ascribed to Rohlf's.¹ Whether the German traveller's alleged prognostic is correct or not, the suggestion of such a possibility requires consideration. It may, however, be found that, even if the Italian Government or Italian private enterprise does build railways binding the Tripolitan oases together and penetrating into the Soudan, Italian exports may still find access to Central Africa, by the Nile on the one hand, and by the Guinea Coast on the other, less costly, as well as more advantageous, in the latter case from the point of view of reaching distributing centres without breaking bulk. In any event, an enterprising State like Italy is certain to endeavour to secure what it

¹ The author has not been able to find the passage in his book "*Von Tripolis nach Alexandrien*" (Berlin, 1871).

can for Italian industry in the still undeveloped regions of the Soudan her statesmen dream of making accessible to it by means of communication under exclusively Italian control. •

Nor must we forget the importance of the ports of Cyrenaica, one of which, Tobruk, near the Egyptian frontier with a spacious natural haven 34 feet deep and two miles long, sheltered from all except the east winds, will no doubt become an Italian naval base.¹ The possession of these ports alone, in the opinion of some competent authorities, will make Italy the chief Mediterranean Power, and in this case the dream of her founders, that the command of the Mediterranean should once more revert to her, will be to some extent realised. • Whether this is in the British interest or not, it is now too late to consider, but British policy will necessarily be affected by the new situation created by Italy's advent as an African Power, in immediate contact with Egypt and developing along the same geographical lines. That friendship, rather than hostility, among the three North African Powers, is in their joint interest seems obvious. It is to be hoped that questions between France and Italy relative to disputed boundary,

¹ Dr. Keane in his volume on North Africa (London, 1907), suggests that a breakwater at the entrance would suffice to make this place one of the finest harbours of refuge in the whole of the Mediterranean, and that its occupation by the present masters of Egypt might help to "restore the balance" threatened by the French operations at Biserta (p. 169).

questions involving two important spots like the oases of Ghadames and Ghat which lie just on the line of demarcation, will not give rise to difficulties between them. The Bey of Tunis and the Pasha of Tripoli had constant and time-honoured disputes about the boundaries of their respective dominions. They seem to have come to some vague arrangement in 1815,¹ but there still seem to be points of difference.

Ghadames has long been notoriously regarded by French politicians as geographically within the French sphere of influence though a Turkish governor is in residence there. It is an extremely important centre of caravan traffic and is at present practically the key to the Soudan. A distinguished French writer claims both Ghadames and Ghat as belonging to the Tunisian *Hinterland*² and contends that therefore by right they should fall to France in case the Porte should cease to hold sway over them. France, in any case, he maintains, should not consent to their passing out of Turkish hands without securing certain rights in respect of railway and telegraphic communication across them.³ Both,

¹ Narcisse Faucon, "La Tunisie avant et après l'occupation française." Paris, 1893. 2 vols.

² The Porte protested against the Anglo-French declaration of March 21, 1899, on similar grounds, viz., as an infringement of the Tripolitan *Hinterland*. In the Italian parliament, also, it caused some commotion.

³ René Pinon, "Empire de la Méditerranée," 3rd ed. Paris, 1912, p. 309. See, also, Renouard de Card, "La politique de la France à l'égard de la

it is true, penetrate wedgewise into the French area.

At Ghat, though nominally under Turkish rule,¹ the real authority is exercised by the Senussi brotherhood, a politico-religious body founded by an Algerian Sheik, Senusi el-Mejahiri, about half a century ago. They have obtained great influence among the Mahomedans and more especially among those of Southern Tripolitana where the oases are practically ruled by them. The founder flourished at Benghazi where he founded his first community of devotees. His son has succeeded him and is regarded as the true Mahdi by his followers.² As the object of the brotherhood is the restoration of the power of Islam, the attitude they assume to the Italian invaders will constitute a factor in the "pacification" of the province. This is also a matter which would seriously affect British interests, if a new Mahdi war sprang up and spread into the Soudan.

On the Egyptian side also there are boundary difficulties which will need settlement. A firman of February 13, 1841, granted to Mehemet Ali, Governor of Egypt, the administration of the

Tripolitaine pendant le dernier siècle," Paris, 1906. Reference has been made in the newspapers to Djanet having been "occupied" by the French, but Djanet is outside any limits ascribed to Tripolitana.

¹ The place was annexed by the Turks in 1872. They were driven out of it in 1886, and recaptured it in 1887.

² See Keane's "Africa." London, 1907, p. 163.

provinces of Nubia, Darfour, Kordofan and Sennaar, and described the area of Egypt as "comprised in its known limits." In another firman, granting to Mehemet Ali the investiture of the government of Egypt, the Sultan referred to its limits as "traced on a map" which was sent to Mehemet Ali by the Grand Vizier. This still unpublished map, it seems, is the only document giving any boundaries for Egypt. It is believed to show no frontier in the Libyan desert.

In the appended rough outline of the Mediterranean it will be seen that the dividing line on the coast between Cyrenaica and Egypt is traced from the angle of the Bay of Solum. In practice (though, as between the Turkish and Egyptian governments, this was not admitted by Turkey, who maintained that Ras-el-Kanais was the limit of Egyptian jurisdiction) nothing important has till now turned upon the exact determination of the point. The Italian government in the notification of the blockade of the Turkish North African coast adopted the boundary claimed by Turkey, but on British representations being made, a rectification was issued which, at any rate provisionally, accepted the Egyptian point of demarcation.¹ As Turkey is still legal sovereign over the district, she is entitled to agree to the Egyptian claim, and it is to be hoped that the Egypto-British government

¹ See p. 97.

will secure possession of the whole of the Bay of Solum in accordance with the configuration of the coast. The division at the angle of the bay, no material interest, mining, agricultural or commercial, being involved, rests on no physical or political basis. The natural frontier would be in the waste territory west of the bay (say) midway between Tobruk and the north extremity of the bay. The fact that the Egyptian government has sent a detachment of troops to the spot¹ shows that it is quite alive to the importance of the bay in view of Italy's alleged intention of converting Tobruk into a naval base.²

The boundary southwards seems still more vague. As between Egypt and Great Britain on the eastern side and France on the western side, a line has been drawn in the agreement of March 21, 1899, the completion of which is not likely to create any such difficulties with Italy on the eastern side as may arise in connection with the western boundary.

* Apart from the question of the imposition of higher customs duties on British goods under an Italian *régime* than at present payable, and the settlement of the boundaries of Tripolitana,

¹ According to a statement on the subject issued, on December 19, by the Foreign Office, the Turkish Government was informed, as long ago as November, 1904, that the line of the Egyptian western frontier ran up to and included Solum, and this was also communicated to the Italian Government.

² See p. 81.

British interests in the Eastern Mediterranean centre round the neutralisation and safety of the route to India. Our political position in Egypt is not one which can be left to the hazard of circumstances, and the choice of Egypt's neighbours is almost as important to British interests as our predominance in Egypt itself. The extinction by the Turkish authorities of the lights in the Red Sea, however necessary it may be for the defence of Ottoman territory against Turkey's aggressor, is a matter of great inconvenience, if not danger, to European shipping which also requires attention. Great Britain's tonnage through the Canal amounts to some 60 per cent. of the whole. Germany follows Great Britain with about 19 per cent., and France and Holland with about 6 per cent. respectively. Italy only follows far behind Austria-Hungary with about 1·3 per cent., and Turkey with about ·3 per cent. This disproportion between the interests of the belligerents in the freedom of the Red Sea, and their interference with the traffic through it of other countries, especially with that of Great Britain, points to the desirability of considering whether the exigencies which led to the neutralisation of the Suez Canal do not apply also in respect of a sea which the traffic through the Canal has converted into one of the busiest waterways in the world.

CHAPTER VII

EGYPT'S ABNORMAL POSITION

By a firman issued in 1840 the then Sultan granted to Mehemet Ali and his descendants the hereditary "right of administration" of the Pachalik of Egypt, subject to the payment of an annual tribute and to the Egyptian military and naval forces forming part of the forces of the Ottoman Empire. This firman was internationally guaranteed by incorporation in a treaty between Turkey and Great Britain, Russia, and Prussia. In 1867 (June 8) another Ottoman firman gave the Pasha of Egypt power to issue regulations and to enter into agreements without reference to his suzerain on all matters affecting the internal administration of the country, provided they had neither the character nor the form of "international or political treaties." In case of doubt, the Egyptian Government was to refer to the Sublime Porte before taking any final step.

In 1875 foreign inquiries connected with the financial situation of Egypt and her means of meeting her obligations to bond-holders laid the foundation of Egypt's internationalisation.

In 1877, on the outbreak of the Turco-Russian War, Egypt under the provisions of the firman of 1840 contributed 6,000 men to the Turkish army. In 1879 the Sultan, at the instance of Great Britain and France, dismissed the Khedive (his new title) Ismail and appointed his son Tewfik in his place. The dual control by Great Britain and France followed, and later, in 1882, the revolt of Arabi, its suppression by Great Britain, and the British occupation of the country. Turkey's position as territorial sovereign was expressly reserved in the Suez Canal Treaty of 1888. From 1888 down to now, no change in the legal relationship of Egypt to Turkey has taken place, she still pays her annual tribute of some £E665,000, and in 1897 when the Turco-Greek War broke out, the Greek Consuls left Egypt as a consequence of the breaking off of diplomatic relations between the Ottoman Empire and Greece.

The British occupation, down to the present war, has remained as from the first in an accessory position towards the Egyptian administration, an adjunct to and not a substitute for it. The British Agent's official position in Egypt has never advanced beyond its original one of Consul-General for Egypt.¹ There are a British Consul-General at Alexandria, a Consul at Cairo, and Consuls, Vice-Consuls and British Consular Agents at Mansura,

¹ His British description is "Agent and Consul-General, Minister Plenipotentiary."

Tantah, Zagazig, Birket-es-Sab and Port Said, just as there are consuls-general, consuls, vice-consuls, and consular agents throughout Egyptian territory for other foreign States. The different ministries are assisted by British advisers, and, though the advice of these gentlemen has a somewhat peremptory character, it has no legally binding effect. Even the Egyptian War Office and Admiralty are under the direction of native ministers, though the Sirdar commanding the Egyptian army is a British general officer and between 130 and 140 British officers occupy different commands under him. There is also a British army of occupation of some 5,000 men under an independent British officer.

The whole British service, it is seen, is ostensibly so organised that its withdrawal would leave the Egyptian administration intact. The Egyptian army is not even an exception, as its officers hold their appointments legally from the Egyptian Government. It is true that Lord Lansdowne in his despatch of April 8, 1904, to Sir E. Monson, the then British Ambassador in Paris, referred to our occupation of Egypt as having "at first been regarded as temporary," but "by force of circumstances having become firmly established." But there is nothing in the Anglo-French Declaration of the same date, to which Lord Lansdowne's despatch related, altering the legal position of Egypt towards Turkey. The Govern-

ment of the French Republic undertakes therein not to obstruct "the action of Great Britain" or to "ask that a limit of time be fixed for the British occupation," but far from altering the legal status of Egypt in any way, the declaration specifically states that "H.B. Majesty's Government declare that they have no intention of altering the political status (*état politique*) of Egypt," with the secret reservation, we must now add, that the British Government anticipated the possibility of finding itself constrained by force of circumstances to modify its policy in respect of Egypt.¹

Thus Egypt still remains under the suzerainty of Turkey. Her army is still legally liable to employment in the service of Turkey. The passage of Turkish troops through her territory is a lesser right which the suzerain power has never parted with. The terms of Art. 6 of the firman of 1840, in virtue of which Egypt contributed 15,000 men to the Turkish army in the Crimean War and 6,000 to it, as stated above, in the Russian War of 1877, go further than supplying a mere contribution to the military forces. "The forces military and naval," said the firman, "which the Pasha of Egypt and Acre may keep up, forming part of the forces of the Ottoman Empire shall always be considered as kept up for the service of the State."

¹ The secret clauses, published in November, 1911, by the Foreign Office, (Treaty Series, 1911, No. 24), will be found among the Appendices, *see* p. 184.

It may certainly be argued that the right of passage is not included in the right of requisitioning a contribution in men. Egypt's special position as a purely tributary State which emancipated itself from a more complete vassalage, by agreeing to pay tribute and furnish this contribution of troops in time of war as the price of emancipation, may be held to preclude the exercise of any further suzerain right.¹

The exercise of any right to refuse passage to Ottoman troops, however, could only be legally claimed, provided Egypt fulfilled her part of the bargain and contributed her contingent of troops which the Turkish Government could then order to march into Cyrenaica to the assistance of their forces in that province. This would at once constitute Egypt a party in the war.

That the Ottoman Government is not legally debarred from sending troops over Egyptian territory is shown by the provisions of the Suez Canal International Convention of 1888. Art. 10 refers to the measures which the Sultan and the Khedive "in the name of H.I. Majesty, within the limits of the Firmans granted, might find it necessary to take for securing by their own forces the defence of Egypt and the maintenance of public order." The

¹ This was the attitude taken up in the Akaba affair, when there was a question of establishing an Ottoman garrison on what was held to be Egyptian territory.

same Article further provides that "it is understood that the provisions of" certain articles of the Convention "shall in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defence of its other possessions situated on the Eastern coast of the Red Sea." In other words, in the Canal, in spite of its neutralisation, the Porte is not assimilated to Foreign States.¹

If Turkey called upon Egypt to place herself at the service of her suzerain, Great Britain would be asked for her advice and be placed in the somewhat awkward position of having to counsel the Khedive to respect his obligation, or to violate it, or to negotiate an indemnity for non-fulfilment, or we ourselves should have to alter the status of Egypt which we officially declared in 1904 we had no intention of doing.

Turkey, however, has apparently not only waived her right to call upon Egypt to fulfil the obligation of contributing forces to the Turkish army, but she has not even claimed her lesser right of passing troops through Egypt and has thus saved Great Britain from the dilemma of both refusing to allow

¹ In the *Kaissari* incident at the beginning of the war, the vessel in question was conveying troops to replace others in the Yemen whose term of service had expired. It was considered, under this Article, as not affected by the twenty-four hours' rule imposed by Art. 4 of the Convention, and allowed to remain at Port Said under cover of the canal's neutralisation.

its exercise and of standing by her assurance that she has no intention of altering the political status of Egypt.¹

On the other hand, a change seems to have taken place in the relations of Egypt and Great Britain. The rupture of diplomatic relations between Italy and Turkey has not affected Egypt as the rupture between Turkey and Greece did in 1897. The Italian Consuls have not left the country as the Greek Consuls did. The Egyptian Government is reported to have declared Egypt neutral in the present conflict, though her neutral position is probably rather the result of an understanding than of a deliberate declaration. Lastly, the "protective" terms of Lord Kitchener's address to the Khedive on taking possession of his post,² taken in conjunction

¹ A point which ought not, of course, to be forgotten in considering Turkish suzerainty over Egypt is that the Turkish Government on the occasion of the Servian aggression on Bulgaria in 1885 did not consider her suzerainty and the tribute payable to her by Bulgaria as a ground for assisting the Bulgarians to repel the Servian invasion and thus asserting her suzerain position. Much importance, however, cannot be attached to this point; Turkey may have had good reasons for not provoking action on the part of other Powers. Austria-Hungary seemed to be friendly to Servia, and Russia was not at that time friendly to Bulgaria. The possible consequence is obvious.

² Lord Kitchener's address in presenting his credentials was as follows :—
 " His Majesty the King, my august master, charges me in handing to your Highness these credentials to accompany them with an expression of his highest esteem of your Highness and his sincere wishes for the well-being of Egypt. I need not add that the sentiments of the King, my master, in regard to your Highness and Egypt are those also of his representative. I am proud of the mission with which His Majesty has seen fit to honour me, and happy to renew the pleasant recollections I have always had in this country. I am particularly pleased with the prospect of being called upon to maintain the deep sympathy which animated my predecessor in his relations with your Highness, and I dare to hope that this sympathy, added to a friendship for

with Lord Lansdowne's above-quoted despatch accompanying the Anglo-French Declaration of April 8, 1904, marks a new protective character in the British occupation. Recent internal events in Egypt in fact had prepared the way, and the war has forced the pace in the gradual assumption of a *de facto* protectorate.

The British position in Egypt, it is seen, needs some legal adjustment. Whether it should be by annexation, such as Italy has decreed in respect of Tripoli, or by a declared protectorate such as France exercises over Tunis, seems immaterial. The Brito-Egyptian neutrality in the present war and the tacit acquiescence of the Turkish Government in Egypt's assumption of a separate international status constitutes a *de facto* situation which, with other matters, might possibly be dealt with when Italy's action in Tripolitana is submitted for the approval of the Powers in accordance with Art. 7 of the Treaty of Paris.

Egypt of long date, will facilitate for me the task I have at heart—namely, *watching over to the best of my power and with the approval and support of your Highness the prosperity of Egypt*. During the sixteen years I previously passed here I was able to watch with profound pleasure the steps of progress made."

CHAPTER VIII

CONCLUSION

A NUMBER of subsidiary matters have arisen out of the war itself in relation to restriction of the area of operations, blockade and contraband.

As regards the restriction of the area of operations, simultaneously with the despatch of the ultimatum to Constantinople, the Marquis di San Giuliano despatched the following note to the Italian Legations at Athens, Belgrade, Cettigne, Sofia, and Bukarest, and the Consulates at Salonika, Adrianople, Janina, Valona, Uskub, Prizrend, Skutari (Albania), Monastir, Canea, Durazzo, and Constanza :—

The opposition of Turkey to all Italian legitimate economic activity both in Tripoli and Cyrenaica and the danger which menaces our nationals in those provinces may, at any moment, force the Italian Government to take such grave steps as may lead to a conflict between Italy and Turkey.

The Italian Government is determined to settle the Tripoli question in conformity with the interests and dignity of Italy ; but, whatever the means she may have to employ in order to secure this end, the basis of her policy will continue to be the maintenance of the territorial *status quo* in the Balkan Peninsula and the consolidation of European Turkey. Not only, therefore, does the Royal Government not wish to

encourage any movement against Turkey in the Balkan Peninsula, but it is firmly resolved to redouble its efforts to prevent, particularly at this moment, anything of the kind happening, and if any hopes or illusions have been formed or are likely to be formed in that sense they must be dispelled immediately, and you will suit your conduct and language to these ends directly the opportunity presents itself to do so.

In connection with this note a suggestion found currency at the outset of the hostilities that the belligerents might agree to their localisation, *i.e.*, their restriction to the Tripolitan coast. This was promptly followed by an official statement in which Italy declared her intention not to land any troops in any part of the Ottoman Empire except Tripolitana and Cyrenaica.¹ This did not exclude naval hostilities against other parts of the Ottoman seaboard, and, in this respect, beyond the localisation

¹ The following official statement on the subject was issued on October 2, 1911, by the Italian Embassy in London :—

“ 1. The various rumours of the landing of Italian troops in other parts of the Ottoman Empire than in Tripoli and Cyrenaica are categorically denied.

“ 2. Italy has not the remotest intention of landing troops in any part of the Ottoman Empire except in Tripoli and Cyrenaica. A categorical denial in advance is given to any similar reports that may come to hand later.

“ 3. The naval operations which the Royal Navy is compelled to carry out in European waters are exclusively directed towards protecting the Italian coasts, Italian open towns, the military expedition to Tripoli, and Italian merchant ships in the Adriatic and Ionian Seas from contemplated Turkish raids.

“ 4. The Royal Ministry of Marine has during the past few days received urgent requests from the Apulia Navigation Company, which owns a number of merchant ships trading in the Adriatic and Ionian Seas, as to danger arising from Turkish destroyers in those waters. So serious are these dangers that the services not only of the Apulia but also of other Italian companies the Adriatic and Ionian Seas have had to be suspended.”

arising out of Italy's superior strength at sea, and the fact that the war operations are necessarily confined to the seas adjacent to the territories of the belligerents, all within a comparatively limited area, no plan of further limiting the sphere of operations seems to have been found feasible.

The extinction of the lights along the Adriatic, Mediterranean and Red Sea coasts of Turkey, however, is a very serious matter for neutral traffic. Turkey's difficulty as regards the Red Sea could, surely, be overcome by the belligerents entering into an engagement not to operate against each other's Red Sea possessions.

The questions arising out of the blockade of Tripolitana and Cyrenaica might have become very troublesome. The Italian Government notified the British Government on October 3 that an effective blockade had been established from September 29 off the coast of the two provinces in question between the Egyptian and the Tunisian frontiers, *i.e.*, as stated in the notice, between $11^{\circ} 32'$ and $27^{\circ} 54'$ long. east of Greenwich. It has been seen above¹ that this included the whole of the bay of Solum, which may become an important strategical position for Egypt, if Italy should realise her idea of making Tobruk an Italian naval base. On October 25 a rectification

¹ P. 84.

was issued and the Egyptian frontier put back to 25° 11'.¹

A question of considerable importance might have arisen as to the legality of the blockade itself—a blockade, be it remarked, of a seaboard extending along some 1,000 miles! Under the Declaration of Paris, blockades to be valid must be “effective,” a word which the same Declaration explains as meaning that the blockade must be “maintained by a force sufficient to effectively forbid access to the enemy’s coast.” A blockade easily evaded is not effective, and therefore would not be binding. In other words, a neutral vessel captured by a blockading force which had failed to stop a certain number of other vessels may be held to have been captured improperly. The fact that the coast in question has only comparatively few points of access may enable the Italian fleet to block these points effectively. If, however, any important trade had been involved, the question of the effectiveness of a blockade over such an extensive coast-line might have given rise to a considerable difference of opinion between the Italian Government and neutral States.

Some alarm was caused towards the middle of October by a rumour that the Ottoman Government had declared grain contraband of war irrespective of destination. This would have affected all the

¹ See p. 84.

shipments from the Black Sea, and as October is one of the three busy months for Black Sea chartering, there was some commotion on the subject at the Baltic. It was estimated that owing to the uncertainty between 200 and 300 vessels were "cooped up" in the Black Sea.¹

The Russian Government to prevent any misunderstanding issued the following note on the subject :—

The Imperial Government, basing itself on the Declaration of Paris of 1856 and on Articles 24 and 33 of the Declaration of London, considers that cargoes of corn are subject neither to arrest nor to confiscation when addressed from Russian ports on the Black Sea to Italian or other ports so long as such cargoes are not destined for Italian field forces or for Italian official consignees. Any attempt to arrest or confiscate the above-mentioned cargoes the Russian Government will regard as a violation of the rights of Russia, and the Government gives warning of the heavy responsibility which the Turkish Government would incur in such circumstances.

On October 13th, the Turkish Government in reply issued a list of articles declared to be contraband of war, comprising grain, but a report of the Council of Ministers was also published declaring that, although Turkey had not adhered to the Declaration of London she intended conforming thereto. Thus contraband, visit and search and neutral shipping generally would be dealt with in accordance with the provisions of the Declaration.

Under Art. 24 of the Declaration of London

¹ *The Times*, October 10, 1911.

foodstuffs are expressly stated to be conditional contraband, but another Article (Art. 35) provides that conditional contraband is not liable to capture except when found on board a vessel bound for territory belonging to or occupied by the enemy or for the armed forces of the enemy and when it is not to be discharged in an intervening neutral port. Another Article of the Declaration provides that even when conditional contraband (except bullion, coin and paper money) is destined to a Government department of the enemy State, if the circumstances show that the goods cannot in fact be used for the purposes of the war, it is not liable to capture.

It is interesting to note that one of the consequences of the war has been the adoption by Russia and Turkey of the rules of the Declaration of London relating to contraband, although it has not yet been ratified by either Power, and that the first country to benefit by its clauses is Great Britain and this in connection with the food supply of these islands.

It is a fierce comment on the war to say that this seems to be thus far its only redeeming feature. From first to last every possible illegality has been committed and the only hope for the jurist is that it will take its place in history as an anachronism, fitting into no theory of current morals and quite out of harmony with the spirit of the age in which it has taken place.

ADDITIONAL CHAPTER

ON

MOSLEM FEELING

(By the Rt. Hon. Ameer Ali.)

I do not propose to deal with the international aspect of the Italian raid into Tripoli, but shall confine myself to offering a few general observations as to its effect on India, and especially on the Mussulman mind. The excitement and indignation that has been aroused among the Moslem people by Italy's action can only be compared to the feeling created, in 1877, by the Russian invasion. Few observers can have forgotten the extraordinary outburst of sympathy among the Mussulmans of India with the wrongs of Turkey and the afflictions to which their co-religionists were subjected in consequence of that war. Then, as now, a war was forced on them whilst endeavouring to establish a stable constitutional Government. I am in a position to speak of the enthusiasm that prevailed among all classes to help the Ottoman nation and to relieve the universal suffering and distress among the stricken people of Turkey. Even women in the humbler walks of life sent their earrings, bracelets

and anklets to be sold and the proceeds remitted to the Turkish Compassionate Fund; and one Province alone was able to forward three lakhs of rupees, or nearly £20,000, whilst many Mussulman soldiers offered their services to the Ottoman Government.

The feeling aroused in India in 1877 was a revelation to most observers whose prejudices and antipathies did not blind them to the realities of national life, and from that day forth few competent Europeans have felt inclined to underrate the solidarity that exists among the Moslem races of the world. Since then, the continuous pressure and persistent aggression of the European nations, under one pretext or another, on the liberty and independence of Mussulman States have had the effect of tightening the bonds that unite the followers of Islam, and what would have remained at best a theoretical and sentimental tie, is growing, if it has not already become, an important defensive factor—the only defence Islam can offer—against the destruction of the remaining autonomous Moslem States advocated by the fanatics of other creeds. The bogey of pan-Islamism maliciously held up to the imagination of European peoples as a militant force bent on a struggle of strength with Christendom, was a mischievous invention for the purpose of justifying European aggression. A careful study of the modern Islamic movement

will convince sober-minded observers that the idea of pan-Islamism entertained in Europe is absolutely without foundation. In India the Mussulmans are anxious to remain loyal to British rule, and to profit by the peace it has introduced in the country to achieve their material and moral development. But their religious and traditional sympathies extend far beyond the land they inhabit; by race and religion the bulk of them are allied to peoples outside India. Their religious and historical ideals are thus bound up with the independent existence of those peoples. It is absolutely in the nature of things that every throb in their hearts should create a responsive throb in the hearts of the Mussulmans of India. The Mahomedan subjects of the King who have given their whole-hearted loyalty to the Throne of England have a right to expect that their feelings and sentiments relating to their most cherished traditions should receive consideration in the general policy of the Empire, especially when those feelings and interests coincide with the demands of justice, humanity and international obligations.

It may be said, without exaggeration, that the Italian attempt to seize Tripoli, in defiance of Treaties and Conventions, on the flimsiest of pretexts, at a time when, to all appearance, up to the last moment Italy was on terms of friendship with Turkey—sent an electric shock throughout the whole of

Mussulman India. Without wishing that their own Government should "trample" on Italy, many of them thought that having regard to the unprecedented character of the aggression, the manner in which it was carried out, and the calamitous possibilities it involved, which are every day becoming more and more evident as the conflict proceeds, the Imperial Government might raise its voice in disapproval of the method, even if it countenanced the ambitions that inspired the invasion.

Whether that expectation was well-founded or otherwise, it can scarcely be denied that England has the greatest stake in the maintenance of peace in the Eastern world ; and it was natural that her Mussulman subjects should rely on her trusteeship of their most cherished interests and feelings to prevent injustice against unoffending Moslem nations.

Every report arriving from India since the commencement of the war shows how widespread and deep-seated the resentment is, and how earnestly they look to the British Government to remedy the wrong. And these feelings are by no means confined to the Mussulmans. At the mass meeting held at Madras on November 6 last the principal resolutions were moved and seconded by prominent Hindoos. The great meeting in Calcutta, at which it is reported over a hundred and fifty thousand people were present,

was held on the grounds of the Federation Hall, lent for the purpose to the Mussulmans by Hindoo leaders who were in full sympathy with its object.

At the Madras meeting to which I have referred, the first resolution, which was moved by Dr. T. M. Nair and seconded by Mr. Rangachariar, two Hindoo notables, was in these terms :

“That this meeting beseeches the British Government, which is concerned in the welfare of a large Empire in the East, to use its best endeavours to allay the grave feeling of insecurity which the unjust war and the manner in which it is prosecuted by Italy against Turkey along with other recent events, have produced in the minds of non-Christian and Oriental races generally.”

One portion of Mr. Nair's speech deserves reproduction. He said :

“Italians should remember that when they had been struggling for national independence they had got help from Great Britain. Were not Tripolitans entitled to such outside help ? If the affair of Tripoli had stood alone it would not have created so much unrest. But the feeling of swallowing up weaker nations had been very much to the fore. And if they allowed a policy like that to go on, they would come back to barbarism, and if there was one country in the world that could allay Mahomedan feeling it was Great Britain, because it had the largest Mahomedan population. He was there amongst them to show that Hindoos must sympathise with the Mahomedans.”

The second resolution, which protested against the cruel treatment meted out to the Arab inhabi-

tants by the Italian troops, was moved by a Mussulman gentleman, Mr. Yakub Hassan.

The Hon. T. V. Sheshagiri Iyer, another leading Hindoo, who seconded the resolution, spoke of the sympathy of his people :

“ There were no differences in Madras between Hindoos and Mahomedans, and on behalf of the Hindoo population of Madras he assured them that they fully sympathised with them. They were told that women and children had been massacred in a manner unknown to civilised warfare. The report received had caused them deep sorrow and disappointment. In regard to Bulgaria and Armenia, England came forward to protest against the action of the Turks regarding Christian settlers of the place. Was it not the duty of England now to come forward and see that the Turks in Tripoli were entitled to as much respect? He said that England should intervene for the following reasons, viz. : that England had a larger Mahomedan population, whose feelings had been embittered, than any other country; that England was a party to the Hague Convention according to which non-combatants should not be massacred; and England was said to be a protector of oppressed races.”

At the Calcutta mass meeting the resolutions were emphatic and generally to the same effect. But the most significant fact in connection with this meeting was the oath taken by the Mussulman merchants, who had considerable dealings with Italy, not to touch Italian goods in future; and the general burning then and there of all Italian goods as polluted objects.

On October 7, a mass meeting was held at the Shahi Mosque at Lahore, which was attended,

says the report, "by thousands of Mahomedans, representing every class and sect." The first resolution expressed the "strong indignation" of the Mahomedans of Lahore "at Italy's high-handed and unjustifiable invasion of Tripoli." Similar meetings have been held at other great centres, such as Bombay, Lucknow, Bareilly, Rangoon, Karachi, Amritsar, and Dacca, all breathing the same spirit of indignation at the Italian action, and all appealing to England to intervene in the interests of humanity and justice.

In this state of feeling in India, the Russian advance into Persia has naturally increased the excitement and alarm. In 1907, England and Russia entered into a Convention with the object of removing all causes of friction between their respective Empires. Although the British and Russian Governments marked out two distinct "spheres of influence" in that ill-fated country, its independence and integrity were solemnly guaranteed by both. And now, forsooth, on the allegation that an American citizen in the service of Persia, in the conscientious discharge of his duties, has shown himself either over-zealous or less sycophantic than was expected, the country is invaded by Russia, and her very existence as an independent State is in jeopardy.

The disastrous effect of the Russian advance on the Indian mind can hardly be over-rated. It will

give colour to the growing impression that the European Powers are bent on destroying Mussulman States; it will add to the prevailing unrest which every loyalist deplotes, and will certainly cause a weakening in that feeling of trust in the British sense of justice which has given England such a strong hold on the loyalty of the people of India.

APPENDICES

I

DOCUMENTS RELATING TO THE OUTBREAK AND PROGRESS OF THE WAR

I.—ITALIAN ULTIMATUM TO THE OTTOMAN GOVERNMENT. (September 26, 1911).

THROUGHOUT a long series of years the Italian Government has never ceased to represent to the Porte the absolute necessity that the state of disorder and neglect in which Tripoli and Cyrenaica are left by Turkey should come to an end, and that these regions should be allowed to enjoy the same progress as that attained by other parts of Northern Africa. This transformation, which is required by the general exigencies of civilization, constitutes, so far as Italy is concerned, a vital interest of the very first order, by reason of the small distance separating these countries from the coasts of Italy.

Notwithstanding the attitude maintained by the Italian Government, which has always loyally accorded its support to the Imperial Government on the different political questions of recent times, notwithstanding the moderation and patience displayed by the Italian Government hitherto, not only have its views in regard to Tripoli been misunderstood by the Imperial Government, but what is more, all enterprises on the part of Italians, in the aforesaid regions, constantly encounter a systematic opposition of the most obstinate and unwarranted kind.

The Imperial Government, which has thus up to now displayed constant hostility towards all legitimate Italian activity in Tripoli and Cyrenaica, quite recently at the eleventh hour, proposed to the Royal Government to come to

an understanding, declaring itself disposed to grant any economic concession compatible with the treaties in force and with the higher dignity and interests of Turks; but the Royal Government does not now feel itself in a position to enter upon such negotiations, the uselessness of which is demonstrated by past experience, and which, far from constituting a guarantee for the future, could but afford a permanent cause of friction and conflict.

On the other hand, information received by the Royal Government from its Consular Agents in Tripoli and Cyrenaica represents the situation there as extremely dangerous on account of the agitation prevailing against Italian subjects, which is very obviously fomented by officers and other organs of the authorities. This agitation constitutes an imminent danger not only to Italian subjects but also to foreigners of any nationality who, justly perturbed and anxious for their safety, have commenced to embark and are leaving Tripoli without delay. The arrival at Tripoli of Ottoman military transports, the serious consequences of the sending of which the Royal Government had not failed to point out previously to the Ottoman Government, cannot but aggravate the situation and impress on the Royal Government the strict and absolute obligation of providing against the perils resulting therefrom.

The Italian Government, therefore, finding itself forced to consider the guardianship of its dignity and its interests, has decided to proceed to the military occupation of Tripoli and Cyrenaica. This solution is the only one Italy can decide upon, and the Royal Government expects that the Imperial Government will in consequence give orders so that it may meet with no opposition from the present Ottoman representatives, and that the measures which will be the necessary consequence may be effected without difficulty. Subsequent agreements would be made between the two Governments to settle the definitive situation arising therefrom. The Royal Ambassador in Constantinople has orders to ask for a peremptory reply on this matter from the Ottoman Government within 24 hours from the presentation of the present document, in default of which the Italian Government will be obliged to

proceed to the immediate execution of the measures destined to ensure the occupation.

Pray add that the reply of the Porte within the aforesaid limit of 24 hours must be communicated to us through the intermediary of the Turkish Embassy in Rome also.

SAN GIULIANO.

2.—OTTOMAN REPLY TO ITALY.

(September 29, 1911.)

The Royal Embassy is aware of the manifold difficulties of circumstance which have not allowed Tripoli and Cyrenaica to take advantage of the benefits of progress. An impartial consideration of affairs is enough to show that the Ottoman Constitutional Government cannot be held liable for a situation which is the work of the old *régime*. That being laid down, the Sublime Porte, in recapitulating the course of the three last years, searches in vain for circumstances in which it has shown itself hostile to Italian enterprises concerning Tripoli and Cyrenaica. Quite the contrary, it has always appeared to it normal and rational that Italy should co-operate with her capital and industrial activity in the economic advancement of this part of the Empire. The Imperial Government is conscious of having shown a conciliatory disposition each time that it has been confronted by proposals conceived in this order of ideas.

The Ottoman Government has, in the same way, examined and generally determined, in the most friendly spirit, all claims and all matters pursued by the Royal Embassy. Is it necessary to add that in that it was obeying its desire, so often manifested, to cultivate and maintain relations of confidence and friendship with the Italian Government? In fact, this sentiment alone still actuated it when it proposed at the last moment to the Royal Embassy an arrangement based on economic concessions, calculated to afford Italian activity a vast field in the aforesaid provinces; in assigning for sole limit of these concessions, the dignity and superior interests of the Empire, as well as the treaties in force, the Ottoman

Government gave the measure of its conciliatory sentiments without, however, losing sight of the treaties and conventions by which it is bound towards other Powers, and the international value of which would not be destroyed by the will of one of the parties.

In so far as order and security, both in Tripoli and Cyrenaica, are concerned, the Ottoman Government, which is in a good position to judge the situation, can but point out, as it has already had the honour to do, the absence of any reason capable of justifying apprehensions relating to the fate of Italian subjects and other foreigners established there. Not only is there no agitation at this moment in these countries, much less an instigatory propaganda, but the officers and other organs of the Ottoman Authority are instructed to ensure the safeguarding of order, instructions which they are conscientiously carrying out.

As to the existence in Tripoli of Ottoman military transports, to which the Royal Embassy refers, deducing grave consequences therefrom, the Sublime Porte thinks it ought to point out that in reality there is only a question of one single transport, the despatch of which was prior by several days to the note of September 26, independent of the fact that this expedition, which did not, moreover, comprise troops, cannot but have had a reassuring influence on the public mind.

3.—DECLARATION OF WAR.

(*September 29, 1911.*)

The following is the text of the declaration handed to the Porte by the Italian Embassy:—

“Carrying out the orders of the King, the *Chargé d’Affaires* of Italy has the honour to notify that the period accorded by the Royal Government to the Porte with a view to the realisation of certain necessary measures has expired without a satisfactory reply reaching the Italian Government.

“The lack of this reply only confirms the bad will or want of power of which the Turkish Government and authorities have

given such frequent proof, especially with regard to the rights and interests of Italians in Tripoli and Cyrenaica.

"The Royal Government is consequently obliged to attend itself to the safeguarding of its rights and interests as well as its honour and dignity by all means at its disposal.

"The events which will follow can only be regarded as the necessary consequence of the conduct followed for so long by the Turkish authorities.

"The relations of friendship and peace being therefore interrupted between the two countries, Italy considers herself from this moment in a state of war with Turkey.

"The undersigned consequently has the honour to make known to your Highness that passports will be placed at the disposal of the Chargé d'Affaires in Rome, and to beg your Highness to hand him his own passports.

"The Royal Government has likewise commissioned the undersigned to declare that Ottoman subjects may continue to reside in Italy without fearing an attack on their persons, property, or affairs.

"DE MARTINO."

4.—NOTIFICATION OF THE EXISTENCE OF A STATE OF WAR.

Rome, September 29, 1911.

It is officially announced that, the Ottoman Government having failed to meet the demands contained in the Italian Ultimatum, Italy and Turkey "are in a state of war from half-past two in the afternoon of to-day, September 29."

The Italian Government will provide for the safety alike of Italians and foreigners of all nationalities in Tripoli and Cyrenaica by all the means at its disposal.

A blockade of the entire coast of Tripoli and Cyrenaica will be immediately notified to the neutral Powers.

5.—DECREE OF ANNEXATION OF TRIPOLITANA AND CYRENAICA.

On the proposition of the President of the Council of Ministers and of the Minister of Foreign Affairs ;

The cabinet having been heard ;
 In view of Art. 5 of the Constitution ;
 We have decreed and do decree :—

Tripolitana and Cyrenaica are placed under the full and complete sovereignty of the kingdom of Italy.

An act of parliament will establish the final regulations for the administration of the said regions.

Until this act shall have been promulgated, they shall be provided for by royal decrees.

The present decree shall be placed on the table of parliament for the purpose of its conversion into a law.

(November, 1911.)

6.—SEMI-OFFICIAL STATEMENT OF THE ITALIAN CASE.

On September 30, 1911, *The Times* published as having been received from an authoritative Italian source the following statement of Italy's grievances :—

The conflict which appears to have broken out unexpectedly between Italy and Turkey is only the epilogue of a long series of vexations and injuries, none the less real because not very apparent, inflicted on Italy and on the Italians by the authorities of the Ottoman Empire. From time to time there have been innumerable complaints by our nationals in every part of the Empire to the Italian Government demanding prompt justice denied, for cases of real and personal oppression from which they had suffered and the solution of which was endlessly delayed.

Numerous and important complaints by private persons and an infinite number of other controversies of greater or less gravity exist, as, for example, those of affronts and other vexations offered to the *personnel* belonging to the Italian Consulates. These are such as to demonstrate how for some time past Italian nationals have been surrounded by a hostile atmosphere not in keeping with the good official relations existing between the two States. And with the new *régime* which aroused so many hopes in Italy there has been a multiplication and aggravation of painful incidents.

A Case of Abduction.

A very grave incident which occurred recently was the abduction of a young girl under age, Giulia Franzoni, a girl of 16, who was snatched by fraud from her own family of honest working people employed on the works of the Turkish railway at Adana, carried off, and converted by actual force to Islamism, and married with violence to a Mussulman citizen, notwithstanding the protests of her parents and of the non-Italian foreigners, notwithstanding the intervention of the Royal Consulate and of the Royal Embassy. This incident, which is of grave importance for every nation, has still more importance for Italy, which has to provide for the protection of a large number of working-class emigrants who find employment on the railways of Asia Minor. Now the fact of not having given speedy punitive satisfaction for this barbarous system of forced conversion and of abduction of an innocent girl may be an incentive to other similar acts which tend directly to strike at the whole working-class population, in great part Italian, obliged to live with their families in these regions.

But the most persistent acts of dislike and hostility on the part of the Ottoman authorities occurred in those parts of the Empire where Italian interests were greatest, that is in the Red Sea and in the Tripolitaine. By the reports of our Consuls, by the accounts of those returned from these regions, by the repeated incidents due to the incitements of Turkish officials, it is clearly shown that there was a desire to create an atmosphere of hostility to Italian interests, as if their continued steady development of them were distrusted. The attitude of the Ottoman authorities in the Red Sea and on the Arab coast opposite to the colony of Eritrea has always been violent and persistently provocative. The series of incidents with which insult was offered to the Italian flag would be too long to recite in detail; let us instance only a few which have happened under the new *régime*.

Insults to the Flag.

On June 5, 1909, the Turkish gunboat Nurahad at 40 kilometres from the Turkish coast took possession with violence of

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the sum of 2,340 thalers on board the Italian sambuk (sailing boat) Cerima, a distinct act of piracy without any mitigating circumstances. The Genova was seized by a Turkish gunboat, Rimodjian, towed to Hodeidah and subjected to iniquitous proceedings and attempts at appropriation by force. Animated by a spirit of conciliation, the Italian Government sought to make an inquiry with the object of arriving at a satisfactory adjustment of the incident. The inquiry gave, so far as concerned the conduct of the local officials, results which would reflect discredit on any civil Government. But this was not all. While negotiations in respect of the incident of the Genova were proceeding, the commandant of the gunboat boarded by force the sambuk Belima on December 5, 1910, and compelled the captain to give up the correspondence of the traders of Massowah. Arbitrary acts of another nature and of not less gravity were committed to the injury of Eritrean sambuks belonging to Ali Kozem and to Kalid Hamed. The Turkish authorities, always glad to take any opportunity whatever to damage Eritrean commerce, let themselves go on August 21, 1910, hoping that they might do so with impunity, on Eritrean merchandise loaded on board ship, taking possession of all the goods, including the victuals of the crew. The Eritrean merchants, terrorized by the continual menaces directed against them on the part of the Turkish authorities on the Arab coast, have therefore in great part given up trafficking there, to the great detriment of the commerce of our colony.

Obstacles to Commercial Development.

In the Tripolitaine the systematic hostility of the Ottoman authorities, now open and violent, now concealed and malignant, assumes still greater proportions. They have but one intention—to wage war against the economic and commercial interests of Italy, to impede in every way the development of Italian influence. Let us cite a few examples selected from a long series which we might adduce. The Banca di Roma introduced into the Tripolitaine with Italian capital a genuine and beneficent work of economic progress and of civilization of the country; the authorities forbade the natives

to have relations with that institution and punished them if they had recourse to it ; it put obstacles in the way of the bank's obtaining legal recognition before the local tribunals, and when, after two years of laborious negotiations, the recognition could no longer be denied, vexations began under another form. The Valis succeed each other rapidly in the government of the Vilayet, but the policy has been always the same until, in 1910, the new Vali Ibrahim Pasha openly declared in the Administrative Council that he would offer systematic and unceasing opposition to all Italian initiative, letting it be clearly understood that such were the instructions of his own Government. And thus all the proposals, all the demands for concessions and for undertakings made by Italians, such as aqueducts, wireless telegraphy plant, road works, &c., are rejected without more ado. Contrary to the treaties, the subjects of the King are hindered from acquiring land and the registering of land transfers at Homs, at Bengazi, and at Derna ; natives who wish to sell are threatened, and the vengeance taken is explained by pretexts foreign to the real cause. Contrary to definite agreements, obstruction is put in the way of Italian archæological and mineralogical missions. Every obstacle and difficulty is raised against Italian milling and oil-making businesses and against our navigation. The natives, terrorized, dare not avail themselves of such beneficent institutions and plant for fear of the treacherous revenge.

Cases of Murder.

With these obstacles and difficulties are mingled very grave crimes, such as the assassination of Father Giustino at Derna, and that of Gastone Terreni, which was given the appearance of suicide, though this was denied by witnesses and by subsequent revelations. This was a barbarous crime, for which no satisfaction whatever has yet been obtained nor even a serious inquiry, either criminal or civil, although such an inquiry has been insistently demanded by the relations of the victim and by the Royal, Diplomatic, and Consular authorities. A declaration of incompetency to proceed and of extinction of

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the penal action by an amnesty was all that the Turkish authorities deigned to concede to the Italians. Two such deplorable incidents, notoriously occasioned by the hatred of the Turks for the Italians, produced consternation and discouragement in the Italian colony, which perforce became timid in the presence of any initiative, however useful. Every intervention of the Royal Consular authority in the Vilayet was opposed, openly or secretly, by the Ottoman authorities, as is shown by the incident of the journalist Arbib, beaten by the police, against which the intervention of the Royal Consular dragoon had no other effect save that of provoking a new and more flagrant violation of the Capitulations. All this uninterrupted series of injuries, acts of violence, of intimidation, of annoyance, is openly encouraged and supported by the journal *Marsad*, the official organ of the Vilayet, printed in its printing office, and inspired by the Vali, a journal widely circulated among the Arabs, which does not neglect any occasion of offering outrage and insult to Italy.

From all these proceedings it clearly emerges that the Italian Government has found itself in the presence of a system or programme of preconceived opposition to Italian subjects and interests in the Ottoman Empire in general and in the Tripolitaine in particular.

The Vices of the Young Turkish Régime.

The warm and almost universal sympathy with which Italy had hailed the advent to power of Young Turkey, the proposal to give time to the new *régime* to consolidate itself, the desire of not increasing the difficulties and embarrassments of the Ottoman Empire and of Europe, led the Italian Government to evince a patience and a condescension which have not many examples in the history of peoples. Hope was always entertained of the consolidation of the new Government, of the welcoming of good counsels, of repentance, of the exchange of a friendship which on our side has been pushed almost to the sacrifice of our own interests. But all in vain. Every day the situation grew worse. Our very patient attitude was con-

fronted at Constantinople alternatively by a Government which uttered honeyed words and promises, which, however, were devoid of any correspondence with the facts, or by a Government without authority which was incapable of imposing obedience on the dependent local authorities, a Government lacking the power to ensure that treaties, capitulations, contractual undertakings should be respected and observed—a Government, in fact, which has fallen short in the opinion of Italy of its own International duties.

The cup was now full. The violent attacks and other insults of the Ottoman Press which have passed all bounds and the systematic obstruction and the bad faith of the local authorities, the extraordinary series of incidents, the demands of every kind increasing every day in number, have ended by agitating and wearing out public opinion, the Press, the Parliament, and the Government of Italy. Italy has now no longer any confidence in the friendly solution of her own questions with Turkey, and disillusioned by so many vain words, by mendacious promises given in these latter years, has lost patience and decided to depart from a tolerance which might have been reproved as weakness and a recognition of inferiority, and has decided to obtain with the greatest energy respect for her own rights and the protection of her own interests. The blow falls on those who for the last three years have every day provoked her, creating by little incidents as well as great such an atmosphere of hostility against Italy in the various provinces of the Empire, and especially in the Tripolitaine, as to impair the safety of Italian subjects and to imperil the peaceful development of Eritrean commerce in the Red Sea.

7.—SEMI-OFFICIAL STATEMENT OF THE TURKISH CASE.

The Times on September 30, 1911, published, as having been received from an authoritative Turkish source, the following account of the causes which had led to the crisis:—

During the last few days the Italian Press and Government have endeavoured to convince the world that their action has been provoked by grievances suffered by Italians in Tripoli

and by their exasperation at the failure of the Turkish Government to provide redress. These endeavours have not been very successful. It is everywhere recognized that the Italian action is due to the desire to realize the long-standing political aspirations of Italy with regard to Tripoli, and if it has been provoked by anything the provocation has not been any action or inaction of the Turkish Government, but the prospects of a speedy settlement of the Moroccan crisis.

Alleged Grievances.

The grievances alleged by Italy fall into two classes. There are vague allegations of hostility to Italy and of Turkish suspicions of Italian designs. It may be admitted that Turkey has been suspicious of these designs, and it is not surprising. In Italy, and in Tripoli itself, Italian newspapers, and even Italian public men, have spoken openly of Italian aspirations in the province, and it has been clear from their language that these aspirations were not only economic, but political as well. At the present moment it is absurd to reproach Turkey with cherishing these suspicions, for they have been amply confirmed by the action that Turkey¹ has just taken. Even when efforts were made to disguise the political nature of the Italian designs it was made perfectly clear that even as regards the economic development of Tripoli what Italy desired was not the right to participate on equal terms, but a privileged position and even a monopoly. Eight years ago the Italian Ambassador in Constantinople demanded from the Sublime Porte a written guarantee that concessions for public works in Tripoli, large or small, and of whatever character, should be given to Italians. This demand, the concession of which would have established a protectorate in a veiled form, was, of course, refused by the Porte. It alone would have been sufficient justification for Turkish suspicion.

In spite of this suspicion, Turkey, far from interfering with legitimate economic interests of Italy, did everything she could

¹ The word "Turkey" here has obviously been printed in mistake for "Italy."

to recognize these interests as far as they were compatible with her sovereign rights. This is shown by the fact that practically every concession of an economic nature granted in Tripoli has been granted to Italians, and the most recent enterprise in that province is the Italian Banco di Roma. Difficulties have, of course, arisen with regard to that bank. They were inevitable from the way in which its business was conducted. A great deal has been made of the refusal to allow Italians to acquire land. The facts were as follows :—

The Acquisition of Land.

By Turkish law it was impossible for institutions such as banks to acquire landed property. The Banco di Roma attempted to evade this by lending money to Italian subjects with which to purchase land—which was promptly mortgaged to the bank, and which the bank attempted to treat as its own property. One of the great difficulties in Tripoli has been not the jealousy shown by the Turkish authorities towards the Italians, but the jealousy shown by the Italians towards enterprises of other nationalities. Not long ago the *Tribuna* and other Italian newspapers violently attacked Turkey on account of the rumour that mining concessions in Cyrenaica had been granted to a non-Italian company. The rumour, it may be mentioned, turned out to be baseless.

It has already been stated that nearly all the concessions in Tripoli have been given to Italians, but in order to avoid even the suspicion of unfairness towards Italy the attempt was made by the Porte to introduce the system of giving concessions by adjudication to the lowest bidder. It was, however, discovered that the Italian firms which entered for these competitions offered terms so low that they could only lose money by obtaining the concession and were evidently acting on instructions to sacrifice their economic interests in order to establish an Italian foothold.

Minor Incidents.

As for the various minor incidents that have now been brought forward as justifying the Italian action, such incidents

occur every day in almost every country. It is only when they occur in Tripoli that political capital is made out of them. It would be useless to go at length into all these trivial cases, but with regard to the sambuks which were seized in the Red Sea, the Turkish authorities reported them to be carrying contraband; and when that was denied by the Italians the Porte offered to settle the affair by a joint investigation, the results of which were to be referred, if necessary, to an impartial arbitrator. The fact that the question has not been so settled has been due to the fact that the Italian Embassy in Constantinople has put off the opening of this investigation. A great deal is made out of one or two cases of murder that have occurred in Tripoli. There is every reason to doubt whether incidents of this kind are always the fault of the Turkish authorities.

It is alleged that the authorities in Tripoli have stirred up fanatical feelings of hostility towards the Italian population. This is sufficiently refuted by the fact that in spite of all the provocation given by Italy in the last few days no regrettable incident has occurred in the city.

With regard to these alleged grievances, Turkey has attempted to find out what are the actual complaints of Italy and what redress or reparation Italy demands. The reply has been an ultimatum and the despatch of an armed expedition.

8.—ITALIAN DECREE RESPECTING THE RIGHT OF CAPTURE AND PRIZE.

FOREIGN OFFICE,

October 30, 1911.

With reference to the notice published in the *London Gazette* of the 6th instant, His Majesty's Principal Secretary of State for Foreign Affairs has received from His Majesty's Ambassador at Rome the following translation of an Italian Decree, dated the 13th instant, respecting the right of capture

and prize during the present hostilities between Italy and Turkey :—

Exercise of the Right of Capture and of Prize in Time of War.

By a Royal Decree, dated the 13th October, there were approved the following instructions in conformity with the Declaration of Paris of April 16th, 1856, which belligerent States are under the obligation to observe, and with the principles laid down in the Hague Convention of October 18th, 1907, as well as in the Declaration of London of February 26th, 1909, which the Royal Government desires should be equally observed in so far as the dispositions of the laws of the Kingdom allow, although they have not yet been ratified by Italy, and which are to regulate the conduct of naval commanders in operations relating to capture and prize during the war.

I.—Turkey having taken no action to show that she intends to abstain from the capture and making prize of Italian merchant ships, but having been the first to make prize of Italian ships, the capture and making prize of Turkish merchant vessels and of their cargoes, being enemy's property, is hereby authorized, with the exception of fishing boats and small coasting vessels.

II.—National or neutral merchant ships under any flag will be captured, according to the dispositions of the following paragraphs, if they :

- (a) Try to violate the blockade.
- (b) Carry contraband of war.
- (c) Give assistance to the enemy.
- (d) Forcibly resist visit.

III.—The blockade must be effective, that is, maintained by a force sufficient to prevent access to the blockaded ports and coast.

Violation of the blockade consists in an attempt to penetrate within the blockaded zone or to leave it during the period established by the declaration of blockade.

The capture of ships attempting to violate the blockade

cannot take place outside the sphere of action of the ships charged with maintaining it.

IV.—If the vessel making for a blockaded place is in ignorance of the existence of the blockade, which has been declared after her departure from the last port of call, notification of the blockade shall be given her and an entry to that effect made in the ship's log by an officer of one of the blockading vessels.

V.—Vessels that under stress of necessity are obliged to touch at a blockaded port will be allowed to enter, after giving proof that they are compelled by *force majeure*, and to leave again, provided that they do not take in or discharge cargo there.

If, however, the vessel is carrying articles of contraband of war it shall be arranged that these shall be deposited on board one of the blockading ships.

Neutral warships shall always be allowed to pass freely through the blockading line.

VI.—Contraband of war are: cannons, guns, carbines, revolvers, pistols, sabres and all sorts of portable firearms; munitions of war, military implements of all kinds, and in general everything which, without manipulation, can serve directly for land or sea armament.

Such articles are subject to capture or confiscation if it is proved that their destination is the enemy's territory or naval forces, whether transported directly or by means of transshipment or of transit overland.

VII.—If the articles of contraband constitute a small part of the cargo, the naval commanders can, if they think good, receive such articles in deposit, making an entry to this effect in the ship's log or, failing this, issuing a declaration to that effect, and then permit the vessel freely to continue her voyage.

VIII.—Ships are liable to capture for assisting the enemy which

(a) directly take part in operations of war in the enemy's favour,

(b) are chartered by the Government of the enemy State, or placed under the orders or inspection of one of his agents

or employed to carry troops or news in the enemy's interest.

IX.—Ships or goods captured or taken as prize will be conducted to the nearest port of the Kingdom, or, when that is not feasible, to a neutral port to be put at the disposition of the naval authorities or of the consular authorities, as the case may be, together with a detailed report of the capture or prize accompanied by the relative documents.

If the observance of this prescription might compromise the safety of the capturing vessel or the success of the warlike operations in which she is engaged, the commander shall have the faculty of destroying the prize, after having provided for the safety of the persons, papers and documents on board and of everything else which may be material to arriving at a decision as to the legality of the prize.

X.—Members of the enemy's armed forces found on board a neutral vessel may be made prisoners of war, even if the vessel—either in the absence of the conditions laid down in paragraph 8, or in circumstances where the captain's good faith is manifest—be not liable to capture.

XI.—To fulfil the above conditions, the visiting of merchant vessels shall take place (with the exception of the cases treated in the following articles) every time there is sufficient motive for believing that the exercise of this right may result in the confiscation of the ship or cargo in accordance with the practice authorized in such cases by the regulations in force, and by international maritime usages.

XII.—Ships escorted by a neutral war vessel are exempt from visit; naval commanders will limit themselves in such cases to demanding, when they think fit, from the commander of the conveying ship a written declaration regarding the nature and cargo of the convoys.

If there is reason to believe that the confidence of the commander of the conveying vessel has been abused, these suspicions shall be communicated to him in order that he may proceed alone to make the necessary verifications, issuing a written report on the subject.

XIII.—Naval commanders must abstain from the right of

visit, capture, and prize, and from any act of hostility in the ports or territorial waters of neutrals.

The Prize Commission.

By another Royal Decree of the same date, a Prize Commission, presided over by a magistrate with the rank of President of the Court of Appeal, or of President of Section of the Court of Cassation, has been composed as follows :—

Ordinary members :

- (a) An admiral, member of the Superior Naval Council.
- (b) A legal adviser of the Foreign Office.
- (c) A Councillor of State.
- (d) The Director-General of the Mercantile Marine.
- (e) The Inspector of the body of Harbour Authorities.
- (f) A Councillor of the Court of Appeal.

There shall be four assessors, of whom two shall be chosen from among the admirals and two from categories (c) and (f).

A magistrate of the Public Prosecutor's Office, of not lower rank than a Public Prosecutor ("*procuratore del Re*"), shall act as Royal Commissioner. He has no deliberative voice, and is charged with stating the case in the Government's name, and with giving his conclusions. He shall not be present at the voting.

The Commission shall be assisted by a secretary, who has no vote.

Five members of the Commission form a quorum; in the case of an equality of votes, the President, or whoever is fulfilling his functions, shall have the casting vote.

The parties shall have the right to present written memoranda, which are to be given to the President of the Commission.

The representatives of foreign Powers accredited to the Royal Government can address to the Royal Commissioner such observations as they shall think advisable in the interests of their nationals.

The sentences of the Prize Court shall be supported by a statement of the grounds on which they are based. The only

appeal from these sentences, which are otherwise not subject to appeal, challenge or revocation, is to the Supreme Court of Cassation according to the letter and practice established by Article 3 of the law of March 31st, 1877.

The decisions of the Prize Commission shall be communicated to the Ministers of Foreign Affairs and Marine within eight days of their pronouncement.

II

TREATIES AFFECTING THE INTEGRITY OF THE OTTOMAN EMPIRE

I.—TREATY BETWEEN GREAT BRITAIN, AUSTRIA, FRANCE,
PRUSSIA, RUSSIA, SARDINIA, AND TURKEY. (*Signed at Paris,
March 30, 1856.*)

[*Ratifications exchanged at Paris, April 27, 1856.*]

In the Name of Almighty God.

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, the Emperor of all the Russias, the King of Sardinia, and the Emperor of the Ottomans, animated by the desire of putting an end to the calamities of war, and wishing to prevent the return of the complications which occasioned it, resolved to come to an understanding with His Majesty the Emperor of Austria as to the bases on which peace might be re-established and consolidated, by securing, through effectual and reciprocal guarantees, the independence and integrity of the Ottoman Empire.

For this purpose Their said Majesties named as their Plenipotentiaries, &c.

Which Plenipotentiaries assembled in Congress at Paris.

An understanding having been happily established between them, Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the Emperor of all the Russias, the King of Sardinia, and the Emperor of the Ottomans, considering that in the interest of Europe, His Majesty the King of Prussia, a signing Party to the Convention of the 13th of July, 1841, should be invited to participate in the new arrangements to be adopted, and appreciating the value that the concurrence

of His said Majesty would add to a work of general pacification, invited him to send Plenipotentiaries to the Congress.

In consequence, His Majesty the King of Prussia named as His Plenipotentiaries, &c.

The Plenipotentiaries, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

ART. I.—From the day of the exchange of the ratifications of the present Treaty, there shall be Peace and Friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of the French, His Majesty the King of Sardinia, His Imperial Majesty the Sultan, on the one part, and His Majesty the Emperor of all the Russias, on the other part; as well as between their heirs and successors, their respective dominions and subjects, in perpetuity.

ART. II.—Peace being happily re-established between their said Majesties, the territories conquered or occupied by their armies during the war shall be reciprocally evacuated.

Special arrangements shall regulate the mode of the evacuation, which shall be as prompt as possible.

ART. III.—His Majesty the Emperor of all the Russias engages to restore to His Majesty the Sultan the town and citadel of Kars, as well as the other parts of the Ottoman territory of which the Russian troops are in possession.

ART. IV.—Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, the King of Sardinia, and the Sultan, engage to restore to His Majesty the Emperor of all the Russias, the towns and ports of Sebastopol, Balaklava, Kamiesch, Eupatoria, Kertch, Jenikale, Kinburn, as well as all other territories occupied by the allied troops.

ART. V.—Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, the Emperor of all the Russias, the King of Sardinia, and the Sultan, grant a full and entire amnesty to those of their subjects who may have been compromised by any participation

whatsoever in the events of the war in favour of the cause of the enemy.

It is expressly understood that such amnesty shall extend to the subjects of each of the belligerent parties who may have continued, during the war, to be employed in the service of one of the other belligerents.

ART. VI.—Prisoners of war shall be immediately given up on either side.

ART. VII.—Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, His Majesty the Emperor of the French, His Majesty the King of Prussia, His Majesty the Emperor of all the Russias, and His Majesty the King of Sardinia, declare the Sublime Porte admitted to participate in the advantages of the public law and system (*concert*) of Europe. Their Majesties engage, each on his part, to respect the independence and the territorial integrity of the Ottoman Empire ; guarantee in common the strict observance of that engagement ; and will, in consequence, consider any act tending to its violation as a question of general interest.

ART. VIII.—If there should arise between the Sublime Porte and one or more of the other signing Powers, any misunderstanding which might endanger the maintenance of their relations, the Sublime Porte, and each of such Powers, before having recourse to the use of force, shall afford the other Contracting Parties the opportunity of preventing such an extremity by means of their mediation.

ART. IX.—His Imperial Majesty the Sultan, having, in his constant solicitude for the welfare of his subjects, issued a firman which, while ameliorating their condition without distinction of religion or of race, records his generous intentions towards the Christian population of his Empire, and wishing to give a further proof of his sentiments in that respect, has resolved to communicate to the Contracting Parties the said firman emanating spontaneously from his sovereign will.

The Contracting Powers recognize the high value of this

communication. It is clearly understood that it cannot in any case, give to the said Powers the right to interfere, either collectively or separately, in the relation of His Majesty the Sultan with his subjects, nor in the internal administration of his Empire.

ART. X.—The Convention of the 13th of July, 1841, which maintains the ancient rule of the Ottoman Empire relative to the closing of the Straits of the Bosphorus and of the Dardanelles, has been revised by common consent.

The Act concluded for that purpose, and in conformity with that principle, between the High Contracting Parties, is and remains annexed to the present Treaty, and shall have the same force and validity as if it formed an integral part thereof.

ART. XI.—The Black Sea is neutralized: its waters and its ports, thrown open to the mercantile marine of every nation, are formally and in perpetuity interdicted to the flag of war, either of the Powers possessing its coasts, or of any other Power, with the exceptions mentioned in Arts. XIV. and XIX. of the present Treaty.

ART. XII.—Free from any impediment, the commerce in the ports and waters of the Black Sea shall be subject only to regulations of health, customs, and police, framed in a spirit favourable to the development of commercial transactions.

In order to afford to the commercial and maritime interests of every nation the security which is desired, Russia and the Sublime Porte will admit Consuls into their ports situated upon the coast of the Black Sea, in conformity with the principles of international law.

ART. XIII.—The Black Sea being neutralized according to the terms of Art. XI., the maintenance or establishment upon its coast of military-maritime arsenals becomes alike unnecessary and purposeless; in consequence, His Majesty the Emperor of all the Russias and His Imperial Majesty the Sultan engage not to establish or to maintain upon that coast any military maritime arsenal.

ART. XIV.—Their Majesties the Emperor of all the Russias and the Sultan having concluded a Convention for the purpose

of settling the force and the number of light vessels, necessary for the service of their coasts, which they reserve to themselves to maintain in the Black Sea, that Convention is annexed to the present Treaty, and shall have the same force and validity as if it formed an integral part thereof. It cannot be either annulled or modified without the assent of the Powers signing the present Treaty.

ART. XV.—The Act of the Congress of Vienna having established the principles intended to regulate the navigation of rivers which separate or traverse different States, the Contracting Powers stipulate among themselves that those principles shall in future be equally applied to the Danube and its mouths. They declare that this arrangement henceforth forms a part of the public law of Europe, and take it under their guarantee.

The navigation of the Danube cannot be subjected to any impediment or charge not expressly provided for by the stipulations contained in the following Articles: in consequence, there shall not be levied any toll founded solely upon the fact of the navigation of the river, nor any duty upon the goods which may be on board of vessels. The regulations of police and of quarantine to be established for the safety of the States separated or traversed by that river shall be so framed as to facilitate, as much as possible, the passage of vessels. With the exception of such regulations, no obstacle whatever shall be opposed to free navigation.

ART. XVI.—With the view to carry out the arrangements of the preceding Article, a Commission, in which Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, shall each be represented by one delegate, shall be charged to designate and to cause to be executed the works necessary below Isatcha, to clear the mouths of the Danube, as well as the neighbouring parts of the sea, from the sands and other impediments which obstruct them, in order to put that part of the river and the said parts of the sea in the best possible state for navigation.

In order to cover the expenses of such works, as well as of

the establishments intended to secure and to facilitate the navigation at the mouths of the Danube, fixed duties, of a suitable rate, settled by the Commission by a majority of votes, may be levied, on the express condition that, in this respect as in every other, the flags of all nations shall be treated on the footing of perfect equality.

ART. XVII.—A Commission shall be established, and shall be composed of delegates of Austria, Bavaria, the Sublime Porte, and Wurtemberg (one for each of those Powers), to whom shall be added Commissioners from the three Danubian Principalities, whose nomination shall have been approved by the Porte. This Commission, which shall be permanent:

1. Shall prepare regulations of navigation and river police ;
2. Shall remove the impediments, of whatever nature they may be, which still prevent the application to the Danube of the arrangements of the Treaty of Vienna ;
3. Shall order and cause to be executed the necessary works throughout the whole course of the river ; and
4. Shall, after the dissolution of the European Commission, see to maintaining the mouths of the Danube and the neighbouring parts of the sea in a navigable state.

ART. XVIII.—It is understood that the European Commission shall have completed its task, and that the River Commission shall have finished the works described in the preceding Article, under Nos. 1 and 2, within the period of two years. The signing Powers assembled in Conference having been informed of that fact, shall, after having placed it on record, pronounce the dissolution of the European Commission, and from that time the permanent River Commission, shall enjoy the same powers as those with which the European Commission shall have until then been invested.

ART. XIX.—In order to insure the execution of the regulations which shall have been established by common agreement, in conformity with the principles above declared, each of the Contracting Powers shall have the right to station, at all times, two light vessels at the mouths of the Danube.

ART. XX.—In exchange for the towns, ports, and territories enumerated in Art. IV. of the present Treaty, and in order more fully to secure the freedom of the navigation of the Danube, His Majesty the Emperor of all the Russias consents to the rectification of his frontier in Bessarabia.

The new frontier shall begin from the Black Sea, one kilometre to the east of the Lake Bournà Sola, shall run perpendicularly to the Akerman road, shall follow that road to the *Val de Trajan*, pass to the south of Bolgrad, ascend the course of the River Yalpuck to the Height of Saratsika, and terminate at Katamori on the Pruth. Above that point the old frontier between the two Empires shall not undergo any modification.

Delegates of the Contracting Powers shall fix, in its details, the line of the new frontier.

ART. XXI.—The territory ceded by Russia shall be annexed to the Principality of Moldavia under the suzerainty of the Sublime Porte.

The inhabitants of that territory shall enjoy the rights and privileges secured to the Principalities; and, during the space of three years, they shall be permitted to transfer their domicile elsewhere, disposing freely of their property.

ART. XXII.—The Principalities of Wallachia and Moldavia shall continue to enjoy under the suzerainty of the Porte, and under the guarantee of the Contracting Powers, the privileges and immunities of which they are in possession. No exclusive protection shall be exercised over them by any of the guaranteeing Powers. There shall be no separate right of interference in their internal affairs.

ART. XXIII.—The Sublime Porte engages to preserve to the said Principalities an independent and national administration, as well as full liberty of worship, of legislation, of commerce, and of navigation.

The laws and statutes at present in force shall be revised. In order to establish a complete agreement in regard to such revision, a Special Commission, as to the composition of which the High Contracting Powers will come to an understanding

among themselves, shall assemble, without delay, at Bucharest, together with a Commissioner of the Sublime Porte.

The business of this Commission shall be to investigate the present state of the Principalities, and to propose bases for their future organization.

ART. XXIV.—His Majesty the Sultan promises to convoke immediately in each of the two Provinces a Divan *ad hoc*, composed in such a manner as to represent most closely the interests of all classes of society. These Divans shall be called upon to express the wishes of the people in regard to the definitive organization of the Principalities.

An instruction from the Congress shall regulate the relations between the Commission and these Divans.

ART. XXV.—Taking into consideration the opinion expressed by the two Divans, the Commission shall transmit, without delay, to the present seat of the Conferences, the result of its own labours.

The final agreement with the Suzerain Power shall be recorded in a Convention to be concluded at Paris between the High Contracting Parties; and a hatti-sherif, in conformity with the stipulations of the Convention, shall constitute definitively the organization of those Provinces, placed thenceforward under the collective guarantee of all the signing Powers.

ART. XXVI.—It is agreed that there shall be in the Principalities a national armed force, organised with the view to maintain the security of the interior, and to ensure that of the frontiers. No impediment shall be opposed to the extraordinary measures of defence which, by agreement with the Sublime Porte, they may be called upon to take in order to repel any external aggression.

ART. XXVII.—If the internal tranquillity of the Principalities should be menaced or compromised, the Sublime Porte shall come to an understanding with the other Contracting Powers in regard to the measures to be taken for maintaining or re-establishing legal order. No armed intervention can take place without previous agreement between those Powers.

ART. XXVIII.—The Principality of Servia shall continue to hold of the Sublime Porte, in conformity with the Imperial Hats which fix and determine its rights and immunities, placed henceforward under the collective guarantee of the Contracting Powers.

In consequence, the said Principality shall preserve its independent and national administration, as well as full liberty of worship, of legislation, of commerce, and of navigation.

ART. XXIX.—The right of garrison of the Sublime Porte, as stipulated by anterior regulations, is maintained. No armed intervention can take place in Servia without previous agreement between the High Contracting Powers.

ART. XXX.—His Majesty the Emperor of all the Russias and His Majesty the Sultan maintain, in its integrity, the state of their possessions in Asia, such as it legally existed before the rupture.

In order to prevent all local dispute the line of frontier shall be verified, and, if necessary, rectified, without any prejudice as regards territory being sustained by either Party.

For this purpose a Mixed Commission, composed of two Russian Commissioners, two Ottoman Commissioners, one English Commissioner, and one French Commissioner, shall be sent to the spot immediately after the re-establishment of diplomatic relations between the Court of Russia and the Sublime Porte. Its labours shall be completed within the period of eight months after the exchange of the ratifications of the present Treaty.

ART. XXXI.—The territories occupied during the war by the troops of Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, and the King of Sardinia, according to the terms of the Conventions signed at Constantinople on the twelfth of March, one thousand eight hundred and fifty-four, between Great Britain, France, and the Sublime Porte; on the fourteenth of June of the same year between Austria and the Sublime Porte; and on the fifteenth of March, one thousand eight hundred and fifty-five, between Sardinia and the Sublime

Porte; shall be evacuated as soon as possible after the exchange of the ratifications of the present Treaty. The periods and the means of execution shall form the object of an arrangement between the Sublime Porte and the Powers whose troops have occupied its territory.

ART. XXXII.—Until the Treaties or Conventions which existed before the war between the belligerent Powers have been either renewed or replaced by new Acts, commerce of importation or of exportation shall take place reciprocally on the footing of the regulations in force before the war; and in all other matters their subjects shall be respectively treated upon the footing of the most favoured nation.

ART. XXXIII.—The Convention concluded this day between Their Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of the French, on the one part, and His Majesty the Emperor of all the Russias, on the other part, respecting the Aland Islands, is and remains annexed to the present Treaty, and shall have the same force and validity as if it formed a part thereof.

ART. XXXIV.—The present Treaty shall be ratified, and the ratifications shall be exchanged at Paris in the space of four weeks, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Paris, the thirtieth day of the month of March, in the year one thousand eight hundred and fifty-six.

(L.S.) CLARENDON.
 (L.S.) COWLEY.
 (L.S.) BUOL-SCHAUENSTEIN.
 (L.S.) HUBNER.
 (L.S.) A. WALEWSKI.
 (L.S.) BOURQUENEY.
 (L.S.) MANTEUFFEL.
 (L.S.) C. M. D'HATZFELDT.
 (L.S.) ORLOFF.
 (L.S.) BRUNNOW.
 (L.S.) C. CAVOUR.
 (L.S.) DE VILLAMARINA.
 (L.S.) AALI.
 (L.S.) MEHEMMED DJEMIL.

138 THE TURCO-ITALIAN WAR

CONVENTION ANNEXED TO THE PRECEDING TREATY BETWEEN GREAT BRITAIN, AUSTRIA, FRANCE, PRUSSIA, RUSSIA, AND SARDINIA, ON THE ONE PART, AND TURKEY, ON THE OTHER PART, RESPECTING THE STRAITS OF THE DARDANELLES AND OF THE BOSPHORUS. (*Signed at Paris, March 30, 1856.*)

[*Ratifications exchanged at Paris, April 27, 1856.*]

In the name of Almighty God—

THEIR Majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of all the Russias, signing Parties to the Convention of the thirteenth day of July, one thousand eight hundred and forty-one; and his Majesty the King of Sardinia; wishing to record in common their unanimous determination to conform to the ancient rule of the Ottoman Empire, according to which the Straits of the Dardanelles and of the Bosphorus are closed to foreign ships of war, so long as the Porte is at peace;

Their said Majesties, on the one part, and His Majesty the Sultan, on the other, have resolved to renew the Convention concluded at London on the thirteenth day of July, one thousand eight hundred and forty-one, with the exception of some modifications of detail which do not affect the principle upon which it rests.

In consequence Their said Majesties have named for that purpose as Their Plenipotentiaries, &c.

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

ART. I.—His Majesty the Sultan, on the one part, declares that he is firmly resolved to maintain for the future the principle invariably established as the ancient rule of his Empire, and in virtue of which it has, at all times, been prohibited for the ships of war of foreign Powers to enter the Straits of the Dardanelles and of the Bosphorus; and that, so long as the Porte is at peace, His Majesty will admit no foreign ship of war into the said Straits.

And Their Majesties the Queen of the United Kingdom of

Great Britain and Ireland, the Emperor of Austria, the Emperor of the French, the King of Prussia, the Emperor of all the Russias, and the King of Sardinia, on the other part, engage to respect this determination of the Sultan, and to conform themselves to the principle above declared.

ART. II.—The Sultan reserves to himself, as in past times, to deliver firmans of passage for light vessels under flag of war, which shall be employed, as is usual, in the service of the Missions of foreign Powers.

ART. III.—The same exception applies to the light vessels under flag of war which each of the Contracting Powers is authorised to station at the mouths of the Danube in order to secure the execution of the regulations relative to the liberty of that river, and the number of which is not to exceed two for each Power.

ART. IV.—The present Convention, annexed to the General Treaty signed at Paris this day, shall be ratified, and the ratifications shall be exchanged in the space of four weeks, or sooner if possible.

In witness whereof, &c.

2.—TREATY BETWEEN GREAT BRITAIN, AUSTRIA AND FRANCE
GUARANTEEING THE INDEPENDENCE AND INTEGRITY OF THE
OTTOMAN EMPIRE. (*Signed at Paris, April 15, 1856.*)

[*Ratifications exchanged at Paris, April 29, 1856.*]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, and His Majesty the Emperor of the French, wishing to settle between themselves the combined action which any infraction of the stipulations of the Peace of Paris would involve on their part, have named for that purpose as their Plenipotentiaries, &c.

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles:—

ART. I.—The High Contracting Parties guarantee, jointly

and severally, the independence and the integrity of the Ottoman Empire, recorded in the Treaty concluded at Paris on the thirtieth of March one thousand eight hundred and fifty-six.

ART. II.—Any infraction of the stipulations of the said Treaty will be considered by the Powers signing the present Treaty as *casus belli*. They will come to an understanding with the Sublime Porte as to the measures which have become necessary, and will without delay determine among themselves as to the employment of their military and naval forces.

ART. III.—The present Treaty shall be ratified, and the ratifications shall be exchanged in a fortnight, or sooner if possible.

In witness whereof, &c.

[Signatures.]

3.—TREATY BETWEEN GREAT BRITAIN, GERMANY, AUSTRIA, FRANCE, ITALY, RUSSIA, AND TURKEY, FOR THE REVISION OF CERTAIN STIPULATIONS OF THE TREATY OF MARCH 30, 1856. (*Signed at London, March 13, 1871.*)

[*Ratifications exchanged at London, May 15, 1871.*]

In the Name of Almighty God.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Germany, King of Prussia, His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, The Chief of the Executive Power of the French Republic, His Majesty the King of Italy, His Majesty the Emperor of all the Russias, and His Majesty the Emperor of the Ottomans, have judged it necessary to assemble their Representatives in Conference at London, in order to come to an understanding, in a spirit of concord, with regard to the revision of the stipulations of the Treaty concluded at Paris on the 30th March, 1856, relative to the navigation of the Black Sea, as well as to that of the Danube; being desirous, at the same time, to ensure in those regions new facilities for the development of the commercial

activity at all nations, the High Contracting Parties have resolved to conclude a Treaty, and have for that purpose named as their Plenipotentiaries, that is to say :— &c.

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following Articles :—

ART. I.—Arts. XI., XIII., and XIV. of the Treaty of Paris of March 30, 1856, as well as the special Convention concluded between Russia and the Sublime Porte, and annexed to the said Art. XIV., are abrogated, and replaced by the following Article.

ART. II.—The principle of the closing of the Straits of the Dardanelles and the Bosphorus, such as it has been established by the separate Convention of March 30, 1856, is maintained, with power to His Imperial Majesty the Sultan to open the said Straits in time of peace to the vessels of war of friendly and allied Powers, in case the Sublime Porte should judge it necessary in order to secure the execution of the stipulations of the Treaty of Paris of March 30, 1856.

ART. III.—The Black Sea remains open, as heretofore, to the mercantile marine of all nations.

ART. IV.—The Commission established by Art. XVI. of the Treaty of Paris, in which the Powers who joined in signing the Treaty are each represented by a delegate, and which was charged with the designation and execution of the works necessary below Isaktcha, to clear the mouths of the Danube, as well as the neighbouring parts of the Black Sea, from the sands and other impediments which obstruct them, in order to put that part of the river and the said parts of the sea in the best state for navigation, is maintained in its present composition. The duration of that Commission is fixed for a further period of twelve years, counting from April 24, 1871, that is to say, till April 24, 1883, being the term of the redemption of the loan contracted by that Commission, under the guarantee of Great Britain, Germany, Austria-Hungary, France, Italy, and Turkey.

ART. V.—The conditions of the re-assembling of the Riverain Commission, established by Art. XVII. of the Treaty of Paris of March 30, 1856, shall be fixed by a previous understanding

between the Riverain Powers, without prejudice to the clause relative to the three Danubian Principalities; and in so far as any modification of Art. XVII. of the said Treaty may be involved, this latter shall form the subject of a special Convention between the co-signatory Powers.

ART. VI.—As the Powers which possess the shores of that part of the Danube where the Cataracts and the Iron Gates offer impediments to navigation reserve to themselves to come to an understanding with the view of removing those impediments, the High Contracting Parties recognize from the present moment their right to levy a provisional tax on vessels of commerce of every flag which may henceforth benefit thereby, until the extinction of the debt contracted for the execution of the works; and they declare Art. XV. of the Treaty of Paris of 1856 to be inapplicable to that part of the river for a space of time necessary for the repayment of the debt in question.

ART. VII.—All the works and establishments of every kind created by the European Commission in execution of the Treaty of Paris of 1856, or of the present Treaty, shall continue to enjoy the same neutrality which has hitherto protected them, and which shall be equally respected for the future, under all circumstances, by the High Contracting Parties. The benefits of the immunities which result therefrom shall extend to the whole administrative and engineering staff of the Commission. It is, however, well understood that the provisions of this Article shall in no way affect the right of the Sublime Porte to send, as heretofore, its vessels of war into the Danube in its character of territorial Power.

ART. VIII.—The High Contracting Parties renew and confirm all the stipulations of the Treaty of March 30, 1856, as well as of its annexes, which are not annulled or modified by the present Treaty.

ART. IX.—The present Treaty shall be ratified, and the Ratifications shall be exchanged at London in the term of six weeks,¹ or sooner if possible.

In witness whereof, &c.

¹ This period was afterwards extended to May 15.

4.—PROTOCOLS OF CONFERENCES HELD IN LONDON RELATIVE TO THE REVISION OF THE TREATY OF MARCH 30, 1856.—JANUARY—MARCH, 1871.

Protocol No. 1.—Sitting of January 17, 1871.

Present : The Plenipotentiaries of North Germany, Austria-Hungary, Great Britain, Italy, Russia and Turkey.

THE Plenipotentiaries of North Germany, of Austria-Hungary, of Great Britain, of Italy, of Russia, and of Turkey, met to-day in Conference at the Foreign Office.

The sitting is opened by his Excellency *Musurus Pasha*, who proposes that the Presidency of the Conference should be entrusted to Earl Granville in the following terms :—

“Gentlemen,—Being met in Conference for the examination of a question of high importance, our first duty is to proceed to the choice of our President. As you have been so good as to permit me to speak on this occasion I have the honour to propose to you to entrust the Presidency of this Assembly to his Excellency Earl Granville, Principal Secretary of State of Her Majesty the Queen for Foreign Affairs.

“Not only is this an act of respect due to the august Sovereign under whose auspices we are called upon to fulfil an important mission, but it is at the same time an expression of the confidence which is inspired in our Governments and in all of us by the eminent qualities which render the noble Lord so well fitted to give the best direction to the labours of the Conference, and by the enlightened solicitude with which he has applied himself since the commencement of the incident which is to occupy our attention, to preparing the way for a solution in conformity with international law and with the general desire for the preservation of peace.”

This proposal having been unanimously adopted, *Earl Granville* assumes the Presidency, and expresses himself as follows :—

“I hasten to thank the Turkish Ambassador for the kind manner in which he has brought forward the proposal which you, Gentlemen, have been so good as to agree to.

"I propose to you, Gentlemen, to entrust to Mr. Stuart the drawing up of the Protocols of the Conference."

This proposal having also been agreed to, Mr. Stuart is introduced, and the Plenipotentiaries proceed to the verification of their respective powers, which are found in good and due form.

Earl Granville then resumes :—

"I am deeply sensible," he says, "of the honour which you have done me in calling on me to be President of this Conference.

"At the moment of commencing the discussion of a great European question in which France is deeply interested, and for which she has formerly made great sacrifices, I cannot but express my great regret, which I am sure, Gentlemen, is shared by you, at not seeing her represented among us to-day.

"But M. Jules Favre, designated as Plenipotentiary of France, not being able to be present at our meeting to-day, it only remains to me to propose to you that we should record by general agreement our hope that the French Plenipotentiary will eventually adhere to any decision to be taken in this sitting, and that I should be permitted to communicate confidentially to the Chargé d'Affaires of France the details of our labours to-day."

The Plenipotentiaries having declared their complete assent on these points, Earl Granville continues :—

"The Conference has been accepted by all the co-signatory Powers of the Treaty of 1856, for the purpose of examining without any foregone conclusion and of discussing with perfect freedom the proposals which Russia desires to make to us with regard to the revision which she asks of the stipulations of the said Treaty relative to the neutralization of the Black Sea.

"This unanimity furnishes a striking proof that the Powers recognize that it is an essential principle of the law of nations that none of them can liberate itself from the engagements of a Treaty, nor modify the stipulations thereof unless with the consent of the Contracting Parties by means of an amicable understanding.

"This important principle appears to me to meet with general acceptance, and I have the honour to propose to you, Gentlemen, to sign a Protocol *ad hoc*."

The Protocol in question is then submitted to the Conference and signed by all the Plenipotentiaries, who further decide that it shall be annexed to the general Protocol of the present sitting, and that on his arrival, the Plenipotentiary of France shall be requested to add his signature to it.

After expressing how much he shares in the regret of the President at not seeing France represented at the meeting of to-day, the *Plenipotentiary of Turkey* declares that he has agreed in the name of his Government to the principle laid down by the President with so much the more readiness, inasmuch as the Sublime Porte has, on all occasions, recognized its binding character, and has constantly conformed its policy thereto in its relations with foreign nations.

The *Plenipotentiary of Austria-Hungary* says that the Imperial and Royal Government has not hesitated to accept the meeting of this Conference, which has been called to give a fresh pledge for the faith of Treaties and for the principles as well as the interests which they are designed to secure.

He adds that it is in a spirit of conciliation and of equitable appreciation that the Government of His Imperial and Royal Apostolic Majesty has charged him to enter into the examination of the questions with which the Conference is to be occupied. These sentiments are the more in conformity with the intentions of the Austro-Hungarian Government, as it sees in them the means of once more placing on record, by means of an impartial examination, the agreement of the Powers on the important questions which form the object of the Treaty signed at Paris on the 30th March, 1856.

The *Plenipotentiary of Italy* is rejoiced at the agreement of the Powers resulting from the Protocol which has just been signed, and at the declarations of the Plenipotentiaries, in which he hastens to join. Italy will be happy to lend her hearty assistance to the important work of general interest

for which the Conference has met, and to enter upon it in the fullest spirit of equity and conciliation.

On the invitation of the President the Plenipotentiary of Russia speaks. He requests the permission of the Conference to read a summary which he wishes to be inserted in the Protocol:—

“The *Plenipotentiary of Russia* recapitulated the circumstances and facts which, since the signature of the Treaty concluded at Paris on the 18th March, 1856, have induced the Powers who signed it to give their assent to different modifications which have contributed to alter in part the letter of the original stipulations.

“He instanced specially the precedent of the Conferences held at different periods at Paris, and cited the decisions adopted by general agreement with the view of modifying the government of the Principalities of Moldavia and Wallachia—an alteration which received the sanction of the Sublime Porte, as well as the assent of the other Contracting Powers.

“He affirmed that these deviations from the Treaty have exercised no influence on the firm intention of the Emperor to maintain intact the general principles of the Treaty of 1856, which have defined the position of Turkey in the system of Europe.

“After having explained the views of his august Master on this subject, the Plenipotentiary of Russia pointed out how much the present situation of Europe differs from that which existed at the time of the Congress of Paris.

“At the present moment, taking into serious consideration the changes gradually produced by the course of time, the Plenipotentiary of Russia thinks the conclusion must be drawn that it would be an act of prudent and wise policy to submit the stipulations of 1856, relative to the navigation of the Black Sea, to a revision guided by an unanimous sentiment of equity and concord.

“In fact, these stipulations, suggested at another period under the influence of conjunctures entirely different from the present situation, are no longer in harmony with the relations

of good neighbourhood which exist at this moment between the two Riverain Powers.

"Further, the Plenipotentiary of Russia, in conformity with the instructions with which he is provided, declared that his august Master attaches a just importance to this revision in the double interest of the security and of the dignity of his Empire.

"In acquitting himself of the orders of his Court on this point, he expressed the hope that the new arrangements resulting from this revision will contribute to the confirmation of peace, which forms the subject of general solicitude on the part of all the Great Powers whose Representatives are assembled in Conference in London."

The *Plenipotentiary of Turkey* says that he appreciates the spirit of conciliation which has dictated the statement of the Plenipotentiary of Russia, and that animated by the same conciliatory spirit he will abstain from discussing certain points of that statement on which he differs, and reserves the opinion of his Government.

He observes, however, that the Sublime Porte regards the incident submitted to the consideration of the Conference from a higher point of view ; that, in fact, His Imperial Majesty the Sultan desires to maintain with His Majesty the Emperor of Russia the best relations of friendship and good neighbourhood ; and that, above all, the Sublime Porte is anxious to give, in the present circumstances, a proof of its conciliatory disposition and of its solitude for the cause of peace, by joining in the examination of a question which equally concerns other Great Powers, and which might otherwise lead to complications which it is in the general interest to prevent.

He declares that it is with this desire and with these views that his august Master has commanded him to represent his Government in the Conference.

He concluded by begging the President to be so good as to postpone the next sitting for some days, with the consent of the other members of the Conference, in order that he may have time to consider the proposal of the Plenipotentiary of Russia.

The *Plenipotentiary of North Germany* says that he is anxious to place on record, at the opening of the Conference, that the Government of the King his august Master, in being the first to propose a meeting in Conference of the Plenipotentiaries of the Powers who signed the Treaty of Paris of March 30, 1856, has done so in a spirit of conciliation, of equity, and of peace, and that it is in this same spirit that his Court has instructed him to support and to recommend to the serious consideration of the Plenipotentiaries of the other Powers represented in the Conference the desire of the Imperial Government of Russia to see the stipulations of 1856, relative to the navigation of the Black Sea, submitted to a revision which should eliminate certain clauses, the restrictive character of which, as regards the exercise of the rights of sovereignty of the two Riverain Powers, seems rather calculated to maintain a state of uneasiness between them than to confirm more and more, as is essentially desirable for the maintenance of tranquillity in the East, the relations of good neighbourhood which are happily established between the two Powers, and of which the Plenipotentiaries of Russia and Turkey have both of them just given evidence.

His Majesty's Government has been guided in this incident by the desire of bringing about, on the questions connected with the navigation of the Black Sea, a general understanding between the Great Powers of Europe, which cannot but contribute powerfully to the security of the East and to the maintenance of the independence and integrity of the Ottoman Empire, which all the Powers who signed the Treaty of Paris of March 30, 1856, desire to secure. The instructions which have been given him consequently desire him to enter with entire impartiality and perfect freedom of judgment on the discussion of the proposals which may be submitted on either side to the Conference, and to regard them solely with a view to the harmony of Europe, and to the present and future preservation of peace in the East.

Referring to the proposal of adjournment made by the Plenipotentiary of Turkey, *Earl Granville* says that he joins

in it the more willingly as the Conference having only been occupied to-day with the question of principle, this adjournment will, he hopes, afford an opportunity for the Plenipotentiary of France to arrive and take part in the discussion of the stipulations of the Treaty of 1856, relating to the neutralization of the Black Sea, which is to take place in the next sitting.

He renders justice to the sentiments which suggested to Prussia the idea of the Conference. Still, with a view to a clear definition of the facts, he thinks it right to remark that the first idea was to hold it at St. Petersburg, and that it was only accepted on condition that the place of meeting should be changed, and that it should be entered upon without foregone conclusion, and with perfect freedom of discussion.

He congratulates himself on the principle of equity and conciliation with which the discussion of to-day has been pervaded. He draws from it a good omen for the result of the examination which the Conference is to make of some of the stipulations of the Treaty of 1856, with a view to their revision.

After having engaged to observe secrecy on all that may pass in the Conference, the Plenipotentiaries separate, agreeing that their next meeting shall take place on Tuesday, January 24, at 1 o'clock.

ANNEX.

Inviolability of Treaties.

The Plenipotentiaries of North Germany, of Austria-Hungary, of Great Britain, of Italy, of Russia, and of Turkey, assembled to-day in Conference, recognize that is an essential principle of the law of nations that no Power can liberate itself from the engagements of a Treaty, nor modify the stipulations thereof, unless with the consent of the Contracting Powers by means of an amicable arrangement.

In faith of which the said Plenipotentiaries have signed the present Protocol.

Done at London, the 17th January, 1871.

5.—TREATY BETWEEN GREAT BRITAIN, GERMANY, AUSTRIA-HUNGARY, FRANCE, ITALY, RUSSIA AND TURKEY. (*Signed at Berlin, July 13, 1878.*)

[*Ratifications exchanged at Berlin, August 3rd, 1878.*]

In the name of the Omnipotent God.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the Emperor of Germany, King of Prussia, His Majesty the Emperor of Austria, King of Bohemia, &c., Apostolic King of Hungary, the President of the French Republic, His Majesty the King of Italy, His Majesty the Emperor of all the Russias, and His Majesty the Emperor of the Ottomans, desiring to regulate, with a view to European order, conformably to the stipulations of the Treaty of Paris of 30th March, 1856, the questions raised in the East by the events of the last years and by the war terminated by the preliminary Treaty of San Stefano, have been unanimously of opinion that the meeting of a Congress would offer the best means of facilitating an understanding.

Their said Majesties and the President of the French Republic have, in consequence, appointed as their Plenipotentiaries, to wit: &c.

Who, according to the proposition of the Court of Austria-Hungary, and on the invitation of the Court of Germany, met at Berlin furnished with full powers, which were found in good and due form.

An understanding having been happily established between them, they have agreed to the following stipulations:—

ART. I.—Bulgaria is constituted an autonomous and tributary Principality under the suzerainty of His Imperial Majesty the Sultan. It will have a Christian Government and a national militia.

ART. II.—The Principality of Bulgaria will include the following territories:—

The frontier follows on the north the right bank of the

Danube from the ancient frontier of Servia up to a point to be determined by an European Commission to the east of Silistria, and from thence runs to the Black Sea to the south of Mangalia, which is included in Roumanian territory. The Black Sea forms the eastern boundary of Bulgaria. On the south the frontier follows upwards from its mouth the waterway of the brook near which are situated the villages of Hodzakioj, Selam-Kioj, Aivadsik, Kulibe, Sudzuluk, crosses obliquely the valley of the Deli-Kamcik, passes south of Belibe and Kemhalik and north of Hadzimahale after having passed the Deli-Kamcik at $2\frac{1}{2}$ kilom. above Cengei, reaches the crest at a point situated between Tekenlik and Aidos-Bredza, and follows it by Karnabad Balkan, Prisevica Balkan, Kazan Balkan to the north of Kotel as far as Demir Kapu. It proceeds by the principal chain of the Great Balkan, the whole extent of which it follows up to the summit of Korica.

There it leaves the crest of the Balkan, descends southwards between the villages of Pirsop and Duzanci, left the one to Bulgaria and the other to Eastern Roumelia, as far as the brook of Tuzen Dere, follows that stream to its junction with the Topolnica, then the latter river until it meets the Smovskio Dere near the village of Petricevo, leaving to Eastern Roumelia a zone of 2 kilom. above that meeting, ascends between the brooks of Smovskio Dere and the Kamenica, following the line of the watershed so as to turn to the south-west at the level of Voinjak and reach directly the point 875 of the Austrian Staff map.

The frontier line cuts in a straight line the upper basin of the brook of Ichtiman Dere, passes between Bogdina and Karaúla, rejoins the line of the watershed separating the basins of the Isher and the Marica, between Camurli and Hadzilar, follows that line by the summits of Velina Mogila, the "col" 531 Zmailica Vrh, Sumnatica, and rejoins the administrative boundary of the Sandjak of Sofia between Sivri Tas and Cadir Tepe.

From Cadir Tepe, the frontier going to south-east, follows the watershed between the basins of Mesta Karasu on

the one side and the Struma Karasu on the other, runs along the crests of the mountains of Rhodope called Demir Kapu, Iskoštepe, Kadimesar Balkan, and Aiji Gedük up to Kapetnik Balkan, and thus joins the ancient administrative frontier of the Sandjak of Sofia.

From Kapetnik Balkan the frontier is indicated by the watershed between the valleys of the Rilska reka and of the Bistrice reka, and follows the *contrefort* called Vodenica Planina so as to descend into the valley of the Struma at the junction of this river with the Rilska reka, leaving the village of Barakli to Turkey. It ascends then south of the village of Jelesnica, and reaches by the shortest line the chain of Golema Planina at the summit of Gitka, and joins there the ancient administrative frontier of the Sandjak of Sofia, leaving, however, to Turkey the whole of the basin of the Suka reka.

From Mount Gitka the western frontier goes towards Mount Crni Vrh by the mountains of Karvena Jabuka, following the ancient administrative limit of the Sandjak of Sofia in the upper part of the basins of Egrisu and of the Lepnica, mounts with it the crests of Babina Polana, and arrives at Mount Crni Vrh.

From Mount Crni Vrh the frontier follows the watershed between the Struma and the Morava by the summits of the Streser, Vilogolo, and Mesid Planina, rejoins by the Gacina, Crna Trava, Darkovska, and Dranica Plan, then the Descani Kladanec, the watershed of the High Sukowa and of the Morava, goes directly on the Stol, and descends from it so as to cut the road from Sofia to Piro, 1,000 mètres north-west of the village of Segusa. It ascends in a straight line the Vidlic Planina and thence Mount Radocina in the chain of the Kodza Balkan, leaving to Servia the village of Doikinci, and to Bulgaria that of Senakos.

From the summit of Mount Radocina the frontier follows towards the west, the crest of the Balkans by Ciprovec Balkan and Stara Planina up to the ancient eastern frontier of the Principality of Servia, near to the Kula Smiljova Cuka, and thence that ancient frontier as far as the Danube, which it joins at Rakovitza.

This delimitation shall be fixed on the spot by the European Commission, on which the Signatory Powers will be represented. It is understood—

1. That this Commission will take into consideration the necessity for His Imperial Majesty the Sultan of being able to defend the Balkan frontiers of Eastern Roumelia.

2. That no fortifications can be erected within a zone of 10 kilom. round Samakow.

ART. III.—The Prince of Bulgaria shall be freely elected by the population and confirmed by the Sublime Porte, with the consent of the Powers. No member of any of the Reigning Houses of the Great European Powers shall be elected Prince of Bulgaria.

In case of a vacancy in the princely dignity, the election of the new Prince shall take place under the same conditions and with the same forms.

ART. IV.—An Assembly of Notables of Bulgaria, convoked at Tirnova, shall, after the election of the Prince, elaborate the Organic Law of the Principality.

In the districts where Bulgarians are intermixed with Turkish, Roumanian, Greek, or other populations, the rights and interests of these populations shall be taken into consideration in the question of election and the elaboration of the Organic Law.

ART. V.—The following points shall form the basis of the public law of Bulgaria :—

A difference of religious beliefs or confessions shall not exclude or incapacitate any person from the enjoyment of civil and political rights, admission to public appointments, functions, or honours, or from the exercise of the various professions and employments, in any district whatsoever.

Liberty, and the public exercise of all religions, shall be assured to all persons belonging to Bulgaria, as well as to strangers, and no obstacle shall be interposed either to the hierarchical organization of the different communions, or to their connection with their spiritual heads.

ART. VI.—The provisional administration of Bulgaria shall

be under the direction of an Imperial Russian Commissary until the settlement of the Organic Law. An Imperial Turkish Commissary, as well as the Consuls delegated *ad hoc* by the other Powers, signatories of the present Treaty, shall be called to assist in controlling the working of this provisional régime. In the event of disagreement amongst the Consular Delegates, the majority shall decide, and in case of a divergence between the majority and the Imperial Russian Commissary or the Imperial Turkish Commissary, the Representatives of the Signatory Powers at Constantinople, assembled in Conference, shall decide.

ART. VII.—The provisional régime shall not be prolonged beyond a period of nine months from the exchange of the ratifications of the present Treaty.

When the Organic Law is completed the election of the Prince of Bulgaria shall be proceeded with forthwith. As soon as the Prince shall have been elected, the new organization shall be put into force, and the Principality shall enter into the full enjoyment of its autonomy.

ART. VIII.—The Treaties of Commerce and of Navigation as well as all the Conventions and arrangements concluded between Foreign Powers and the Porte, and now in force, are maintained in the Principality of Bulgaria, and no change shall be made in them with regard to any one Power without its previous consent.

No transit dues shall be levied in Bulgaria on goods passing through that Principality.

The subjects and citizens ("nationaux") and commerce of all the Powers shall be treated in the Principality on a footing of strict equality.

The immunities and privileges of foreigners, as well as the rights of Consular jurisdiction and protection as established by the Capitulations and usages, shall remain in force so long as they shall not have been modified with the consent of the parties concerned.

ART. IX.—The amount of the annual tribute which the Principality of Bulgaria shall pay to the Suzerain Court—

such amount being paid into whatever bank the Porte may hereafter designate—shall be fixed by an agreement between the Powers Signatory of the present Treaty at the close of the first year of the working of the new organization. This tribute shall be reckoned on the mean revenue of the territory of the Principality.

As Bulgaria is to bear a portion of the public debt of the Empire, when the Powers shall fix the tribute they shall take into consideration what portion of that debt can, on the basis of a fair proportion, be assigned to the Principality.

ART. X.—Bulgaria takes the place of the Imperial Ottoman Government in its undertakings and obligations towards the Rustchuk-Varna Railway Company, dating from the exchange of the ratifications of the present Treaty. The settlement of the previous accounts is reserved for an understanding between the Sublime Porte, the Government of the Principality, and the administration of this Company.

The Principality of Bulgaria likewise, on the other hand, takes the place of the Sublime Porte in the engagements which it has contracted, as well towards Austria-Hungary as towards the Company, for working the railways of European Turkey in respect to their completion and connection, as well as for the working of the railways situated in its territory.

The Conventions necessary for the settlement of these questions shall be concluded between Austria-Hungary, the Porte, Servia, and the Principality of Bulgaria immediately after the conclusion of peace.

ART. XI.—The Ottoman army shall no longer remain in Bulgaria ; all the old fortresses shall be razed at the expense of the Principality within one year or sooner if possible ; the local Government shall immediately take steps for their demolition, and shall not be allowed to construct fresh ones.

The Sublime Porte will have the right of disposing as it likes of the war material and other effects belonging to the Ottoman Government which may have remained in the fortresses of the Danube already evacuated in virtue of the

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Armistice of the 31st January, as well as of those in the strongholds of Shumla and Varna.

ART. XII.—Mussulman proprietors or others who may take up their abode outside the Principality can continue to hold there their real property, by farming it out, or having it administered by third parties.

A Turco-Bulgarian Commission shall be charged with the settlement, in the space of two years, of all questions relative to the mode of alienation, working, or use on the account of the Sublime Porte, of State property and religious foundations (*vakoufs*), as well as of the questions regarding interests of the individuals concerned therein.

Persons belonging to the Principality of Bulgaria, who shall travel or dwell in the other parts of the Ottoman Empire, will be subject to the Ottoman authorities and laws.

ART. XIII.—A province is formed south of the Balkans which will take the name of "Eastern Roumelia," and will remain under the direct political and military authority of His Imperial Majesty the Sultan, under conditions of administrative autonomy. It will have a Christian Governor-General.

ART. XIV.—Eastern Roumelia is bounded on the north and north-west by Bulgaria, and comprises the territories included by the following line :—

Starting from the Black Sea the frontier line follows from its mouth the *thelweg* of the stream, near which are situated the villages of Hodzakiöj, Selam Kiöj, Aivadsik, Kulibe, Sudzuluk, crosses obliquely the Valley of Deli Kamcik, passes to the south of Belibe and Kemhalik, and to the north of Hadzimahale, after having crossed the Deli Kamcik at a distance of $2\frac{1}{2}$ kilom. above Cengei, reaches the crest of the mountains at a point between Tekenlik and Aidos-Bredza, and follows it up by the Karnabad Balkan, Prievica Balkan, Kazan Balkan, to the north of Kotel up to Demir Kapu. The frontier passes by the principal chain of the Great Balkans, which it follows throughout its whole length to the summit of Kosica.

At this point the western frontier of Roumelia leaves the

crest of the Balkans, descends southwards towards the villages of Pirtop and Duzanci—of which the one belongs to Bulgaria and the other to Eastern Roumelia—to the stream of Tuzlu Dere; follows this watercourse till it falls into the Topolnica; then this river to its confluence with the Smovsk'io Dere, near the village of Petricevo, leaving to Eastern Roumelia a zone of 2 kilom. in extent above the point of confluence; ascends between the streams of the Smovskio Dere and the Kamencia, following the watershed, turns to the south-west at the hill of Voinjak, and runs straight to the point 875 of the Austrian Staff chart.

The frontier line cuts straight across the upper basin of the stream of the Ichtiman Dere, passes between Bogdina and Karaúla till it regains the line of the watershed separating the basins of the Isker and the Marica, between Camurli and Hadzilar; follows this line by the heights of Velina Mogila, the hill 531, Zmailica Vrh, Sumnatica, and regains the administrative limit of the Sandjak of Sofia between Sivri Tas and Cadir Tepe.

The frontier of Roumelia leaves that of Bulgaria at Mount Cadir Tepe, following the line of the watershed between the basins of the Marica and of its affluents on one side, and of the Mesta Karasu and of its affluents on the other, and takes the direction south-east and south along the crest of the Despoto Dag Mountains, towards Mount Kruschowa (whence starts the frontier line of the Treaty of San Stefano).

From Mount Kruschowa the frontier is the same as the line agreed to by the Treaty of San Stefano, that is to say, the chain of the Black Balkans (Kara Balkan), the mountains, Kulaghy-Dagh, Eschek-Tschepellü, Karakolas, and Ischiklar, from whence it descends due south-east till it regains the River Arda, and follows the watercourse ("thalweg") of this river up to a point close to the village of Adacali, which remains to Turkey.

From this point the frontier line ascends the crest of the Bestepe-Dagh, which it follows; then descends and crosses the Maritza, at a point situated 5 kilom. above the bridge of

Mustafa Pasha ; thence it tends off to the north by the line of the watershed between Demirhanli Dere and the small affluents of the Maritza to Küdeler Bair, whence it runs east to Sakar Bair ; from this point it crosses the valley of the Tundza in the direction of Büyük Derbend, which is left to the north, as also is Soudzak. From Büyük Derbend it regains the line of the watershed between the affluents of the Tundza on the north and those of the Maritza on the south, up to the height of Kaibilar, which is included in Eastern Roumelia, and passes to the south of V. Almali between the basin of the Maritza to the south and the different streams which flow straight into the Black Sea, between the villages of Belevrin and Alatli ; it follows to the north of Karanlik the crests of Vosna and Zuvak, the line which separates the waters of the Duka and those of the Karagac-Su, and regains the Black Sea between those two rivers.

ART. XV.—His Majesty the Sultan will have the right of providing for the defence of the land and sea frontiers of the province by erecting fortifications on those frontiers, and maintaining troops there.

Internal order is maintained in Eastern Roumelia by a native gendarmerie assisted by a local militia.

Regard shall be had to the religion of the inhabitants in respect to the composition of these corps, the officers of which are named by the Sultan, according to the localities.

His Imperial Majesty the Sultan engages not to employ irregular troops, such as Bashi-Bazouks and Circassians, in the garrisons of the frontiers. The regular troops destined to this service must not in any case be billeted on the inhabitants. When they pass through the province they will not be allowed to sojourn there.

ART. XVI.—The Governor-General will have the right of summoning the Ottoman troops in the event of the internal or external security of the province being threatened. In such an eventuality the Sublime Porte shall inform the Representatives of the Powers at Constantinople of the decision, as well as of the exigencies which justify it.

ART. XVII.—The Governor-General of Eastern Roumelia shall be named by the Sublime Porte, with the assent of the Powers, for a term of five years.

ART. XVIII.—Immediately after the exchange of the ratifications of the present Treaty, a European Commission shall be formed to elaborate, in accord with the Ottoman Porte, the organization of Eastern Roumelia. This Commission will have to determine, in a period of three months, the powers and functions of the Governor-General, as well as the administrative system, judicial and financial, of the province, taking as its starting-point the different laws for the vilayets and the proposals made in the eighth sitting of the Conference of Constantinople.

The whole of the arrangements determined on for Eastern Roumelia will form the subject of an Imperial Firman, which will be issued by the Sublime Porte, and which it will communicate to the Powers.

ART. XIX.—The European Commission shall be charged to administer, in accord with the Sublime Porte, the finances of the province until the completion of the new organization.

ART. XX.—The Treaties, Conventions, and international arrangements of any kind whatsoever, concluded or to be concluded between the Porte and foreign Powers, shall be applicable in Eastern Roumelia as in the whole Ottoman Empire. The immunities and privileges acquired by foreigners, whatever their position, shall be respected in this province. The Sublime Porte undertakes to have observed there the general laws of the Empire for religious liberty in favour of all forms of worship.

ART. XXI.—The rights and obligations of the Sublime Porte with regard to the railways of Eastern Roumelia shall be maintained in their integrity.

ART. XXII.—The effective force of the Russian corps of occupation in Bulgaria and Eastern Roumelia shall be composed of six divisions of infantry and two divisions of cavalry, and shall not exceed 50,000 men. It shall be maintained at the expense of the country occupied. The army of occupation

will preserve its communications with Russia not only through Roumania, in accordance with arrangements to be concluded between the two States, but also through the ports of the Black Sea, Varna and Bourgas, where they may, during the period of occupation, organize the necessary dépôts.

The period of the occupation of Eastern Roumelia and Bulgaria by the Imperial Russian troops is fixed at nine months from the date of the exchange of the ratifications of the present Treaty.

The Imperial Russian Government undertakes that within nine months the passage of its troops across Roumania shall cease, and the Principality shall be completely evacuated.

ART. XXIII.—The Sublime Porte undertakes scrupulously to apply in the Island of Crete the Organic Law of 1868 ("Règlement"), whilst introducing into it the modifications which may be considered equitable.

Similar laws adapted to local necessities, excepting as regards the exemption from taxation granted to Crete, shall also be introduced into the other parts of the Turkish Empire for which no special organization has been provided for by the present Treaty.

Special Commissions, in which the native element shall be largely represented, shall be charged by the Sublime Porte with the elaboration of the details of the new laws ("Règlemens") in each province.

The schemes of organization resulting from these labours shall be submitted for examination to the Sublime Porte, which, before promulgating the Acts for putting them into force, shall take the advice of the European Commission instituted for Eastern Roumelia.

ART. XXIV.—In the event of the Sublime Porte and Greece being unable to agree upon the rectification of frontier suggested in the 13th Protocol of the Congress of Berlin, Germany, Austria-Hungary, France, Great Britain, Italy, and Russia reserve to themselves to offer their mediation to the two parties to facilitate the negotiations.

ART. XXV.—The Provinces of Bosnia and Herzegovina

shall be occupied and administered by Austria-Hungary. The Government of Austria-Hungary, not desiring to undertake the administration of the Sandjak of Novi-Bazar, which extends between Servia and Montenegro in a south-easterly direction to the other side of Mitrovitzza, the Ottoman Administration will remain in force there. Notwithstanding, in order to assure the maintenance of the new political state of affairs, as well as freedom and security of communications, Austria-Hungary reserves the right of keeping garrisons and having military and commercial roads in the whole of this part of the ancient Vilayet of Bosnia. With this object the Governments of Austria-Hungary and Turkey reserve to themselves to come to an understanding as to the details.

ART. XXVI.—The independence of Montenegro is recognized by the Sublime Porte and by all those of the High Contracting Parties who had not yet admitted it.

ART. XXVII.—The High Contracting Parties are agreed on the following conditions:—

In Montenegro the distinction of religious beliefs and confessions shall not be objected to any person as a reason for exclusion or incapacity as regards the enjoyment of civil and political rights, the admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever.

The freedom and the outward practice of all forms of worship shall be secured to the natives of Montenegro, as well as to foreigners, and no hindrance shall be given either to the hierarchical organization of different communions or to their relations with their spiritual chiefs.

ART. XXVIII.—The new frontiers of Montenegro are fixed as follows:—

Starting at Ilino-brdo to the north of Klobuk, the line descends to the Trebinjcica towards Grancarevo, which remains to Herzegovina, then ascends the course of that river up to a point 1 kilom. below its confluence with the Cepelica, and from thence passes by the most direct line on to the heights

which border the River Trebinjcica. It then leads in the direction of Pilatova, leaving that village to Montenegro, and continues along the heights in a northerly direction, maintaining as far as possible a distance of 6 kilom. from the road from Bilek through Korito to Cacko, up to the neck between the Somina Plania and Mount Curilo, from whence it passes towards the east in the direction of Vratkovici, leaving this village to Herzegovina, and on to Mount Orlina. Starting from this point the frontier, leaving Ravno to Montenegro, goes straight to the north-north-east, crossing the summits of the Lebersnik and of the Volujka, then descends by the shortest line on to the Riva Piva, which it crosses, and joins the River Tara, passing between Crkvica and Nedvina. From this point it ascends the Tara to Mojkovac, from which place it passes along the crest of the counterfort as far as Siskojezero. Commencing at this locality it coincides with the ancient frontier as far as the village of Sekulare. From there the new frontier passes along the crests of the Mokra Planina, the village of Mokra remaining to Montenegro; it then gains the point 2166 on the Austrian Staff Map, following the principal chain and the line of the watershed between the Lim on the one side, and the Cievna (Zem) on the other.

It then coincides with the actual boundaries between the tribes of the Kuci-Drekalovici on one side, and those of the Kucka-Krajna, as well as the Klementi and Grudi, on the other, to the plain of Podgorica, from whence it leads on Plavnica, leaving the Klementi, Grudi, and Hoti tribes to Albania.

From there the new frontier crosses the lake near the Island of Gorica-Topal, and, starting from thence, mounts straight to the top of the crest, from whence it follows the watershed between Megured and Kalimed, leaving Mrkovic to Montenegro, and reaching the Adriatic at V. Kruci.

On the north-west the frontier will be formed by a line passing from the coast between the villages of Susana and Zubci, and terminating at the extreme south-east point of the existing frontier on the Vrsuta Planina.

ART. XXIX.—Antivari and the sea-coast belonging to it are annexed to Montenegro under the following conditions :—

The districts situated to the south of that territory, in accordance with the delimitation above laid down, as far as the Boyana, including Dulcinjo, shall be restored to Turkey.

The Commune of Spica, as far as the southernmost point of the territory indicated in the detailed descriptions of the frontiers, shall be incorporated with Dalmatia.

Montenegro shall have full and entire liberty of navigation on the Boyana. No fortifications shall be constructed on the course of that river except such as may be necessary for the local defence of the stronghold of Scutari, and they shall be confined within a limit of 6 kilom. of that town.

Montenegro shall have neither ships of war nor flag of war.

The port of Antivari and all the waters of Montenegro shall remain closed to the ships of war of all nations.

The fortifications situated on Montenegrin territory between the lake and the coast shall be razed, and none can be rebuilt within this zone.

The administration of the maritime and sanitary police, both at Antivari and along the coast of Montenegro, shall be in the hands of Austria-Hungary by means of light coast-guard boats.

Montenegro shall adopt the maritime code in force in Dalmatia. On her side Austria-Hungary undertakes to grant Consular protection to the Montenegrin merchant flag.

Montenegro shall come to an understanding with Austria-Hungary on the right to construct and keep up across the new Montenegrin territory a road and a railway.

Absolute freedom of communication shall be guaranteed on these roads.

ART. XXX.—Mussulmans or others in possession of property in the territories annexed to Montenegro, and who wish to reside outside the Principality, can retain their real property either by farming them out, or by having them administered by third parties.

No one shall be liable to be evicted otherwise than legally for the public welfare, and by means of a previous indemnity.

A Turco-Montenegrin Commission shall be appointed to settle, during a period of three years, all matters relative to the manner of alienating, cultivating, and working for the benefit of the Sublime Porte, the properties of the State, and the religious establishments (*Vakoufs*), as well as questions relative to the interests of private parties connected with these.

ART. XXXI.—The Principality of Montenegro shall come to a direct understanding with the Ottoman Porte with regard to the establishment of Montenegrin agents at Constantinople, and at certain places in the Ottoman Empire where they shall be decided to be necessary.

Montenegrians travelling or residing in the Ottoman Empire shall be subject to the laws and authorities of Turkey, according to the general principles of international law, and the established customs with regard to Montenegrians.

ART. XXXII.—The Montenegrin troops shall be bound to evacuate in twenty days from the date of the ratification of the present Treaty, or sooner if possible, the territory that they occupy at present beyond the new limits of the Principality.

The Ottoman troops shall evacuate the territory ceded to Montenegro in the same period of twenty days. They shall have, however, allowed them a supplementary period of fifteen days, as well for evacuating the fortresses and withdrawing provisions and material of war from them, as for drawing up inventories of the implements and objects which cannot be immediately removed.

ART. XXXIII.—As Montenegro is to bear her share of the Ottoman public debt for the additional territories given her by the Treaty of Peace, the Representatives of the Powers at Constantinople are to determine the amount of the same in concert with the Sublime Porte at a fair valuation.

ART. XXXIV.—The High Contracting Parties recognize the independence of the Principality of Servia, subject to the conditions set forth in the following Article.

ART. XXXV.—In Servia the distinction of religious creeds and confessions shall not be raised against any one as a motive of exclusion or of incapacity in everything that concerns the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries, in any locality whatever.

The freedom and the open observance of all forms of worship shall be assured to all persons of Servian origin, as well as to foreigners, and no obstacle shall be opposed either to the hierarchical organization of the different communions, or to their relations with their spiritual superiors.

ART. XXXVI.—Servia receives the territories included in the subjoined delimitation :—

The new frontier follows the existing line along the thalweg of the Drina from its confluence with the Save upwards, leaving Mali Zwornik and Sakhar to the Principality, and continues along the ancient limits of Servia as far as Kopaonik, leaving it at the summit of Kanilug. From that point it follows at first the western boundary of the Sandjak of Nisch by the counterfort to the south of Kopaonik, by the crests of the Marica and Mrdar Planina, which form the watershed between the basins of the Ibar and Sitnica on one side, and that of the Toplica on the other, leaving Prepolac to Turkey.

It then turns to the south by the watershed between the Brvenica and the Medvedja, leaving the whole of the basin of the Medvedja to Servia; follows the crests of the Goljak Planina (which forms the watershed between the Kriva-Rjeka on one side and the Poljanica, Veternica, and Morawa on the other), as far as the summit of Poljanica. It then follows the counterfort of the Karpina Planina as far as the confluence of the Koinska and the Morawa, crosses this river, and ascends by the watershed between the Koinska brook and the stream which falls into the Morawa near Neradovce, to gain the Sveti Ilija Planina above Trgoviste. From thence it follows the crest of the Sveti Ilija as far as Mount Kljuc, and passing by the points marked 1516 and 1547 on the map, and by the Babina Gora, it reaches Mount Crni-Vrh.

Setting out from Mount Crni Vrk, the new line of delimitation coincides with that of Bulgaria, *i.e.* :—

The line of frontier follows the watershed between the Struma and Morawa by the summits of Strser, Vilogolo, and Mesid Planina, passes Gacina, Crna Trova, Darkosvka, and Drainica Planina, and then the Descani Kladanec, along the watershed between the Upper Sukowa and the Morawa, leads straight to the Stol, and descends from thence to intersect the road from Sofia to Piroto at a point 1,000 mètres to the north-west of the village of Segusa. It then ascends in a straight line on to the Vidlic Planina, and from thence to Mount Radocina on the chain of the Kodza Balkan, leaving the village of Doikinci to Servia, and that of Senakos to Bulgaria.

From the summit of Mount Radocina the frontier leads along the crest of the Balkans to the north-west by Ciprovec Balkan and Stara Planina to the ancient eastern frontier of the Principality of Servia, near to the Kula of Smiljova cuka, and from thence follows that ancient frontier to the Danube, which it reaches at Rakowitza.

ART. XXXVII.—Until the conclusion of fresh arrangements there shall be no change in Servia in the actual conditions of the commercial relations of the Principality with foreign countries.

No transit duties shall be levied on goods passing through Servia.

The immunities and privileges of foreign subjects, as well as the Consular rights of protection and jurisdiction, such as they now exist, shall remain in full vigour, as long as they shall not have been modified by mutual consent between the Principality and the Powers interested.

ART. XXXVIII.—The Principality of Servia takes the place, for its part, of the Sublime Porte, in its engagements both towards Austria-Hungary and towards the Company for the working of the railways of Turkey in Europe, in respect to their completion and connection, as well as for the working of the railways to be constructed on the territory newly acquired by the Principality.

The Conventions necessary for settling these questions shall be concluded immediately after the signature of the present Treaty between Austria-Hungary, the Porte, Servia, and, in the limits of its competency, the Principality of Bulgaria.

ART. XXXIX.—Mussulmans in possession of property in the territories annexed to Montenegro, and who wish to reside outside the Principality, can retain their real property either by farming them out or by having them administered by third parties.

A Turco-Servian Commission shall be appointed to settle, during a period of three years, all matters relative to the manner of alienating, cultivating, and working for the benefit of the Sublime Porte, the properties of the State, and the religious establishments (Vakoufs), as well as questions relative to the interests of private parties connected with these.

ART. XL.—Until the conclusion of a Treaty between Turkey and Servia, Servian subjects travelling or sojourning in the Ottoman Empire shall be treated according to the general principles of international law.

ART. XLI.—The Servian troops shall be bound to evacuate within fifteen days from the exchange of the ratifications of the present Treaty the territory not comprised within the new limits of the Principality.

The Ottoman troops shall evacuate the territories ceded to Servia within the same term of fifteen days. A supplementary term of an equal number of days shall, however, be granted to them as well for evacuating the strongholds and withdrawing the provisions and material as for preparing the inventory of the implements and objects which cannot be removed at once.

ART. XLII.—Servia having to support a part of the Ottoman Public Debt in respect of the new territories annexed to her by the present Treaty, the Representatives at Constantinople will fix the amount of it in concert with the Sublime Porte on an equitable basis.

ART. XLIII.—The High Contracting Parties recognize the independence of Roumania, making it dependent on the conditions laid down in the two following Articles.

ART. XLIV.—In Roumania the difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political right, admission to public employments, functions, and honours, or the exercise of various professions and industries in any locality whatsoever.

The freedom and outward exercise of all forms of worship will be assured to all persons belonging to the Roumanian State, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs.

The nationals of all the Powers, traders or others, shall be treated in Roumania, without distinction of creed, on a footing of perfect equality.

ART. XLV.—The Principality of Roumania restores to His Majesty the Emperor of Russia that portion of the Bessarabian territory detached from Russia by the Treaty of Paris in 1856, bounded on the west by the waterway of the Prouth, and on the south by the waterway of the Kilia Branch and the mouths of Stary-Stamboul.

ART. XLVI.—The islands forming the Delta of the Danube, as well as the Isle of Serpents, the Sandjak of Toultscha, comprising the districts (cazas) of Kilia, Soulina Mahmoudié, Isaktcha, Toultscha, Matchin, Babadagh, Hirsovo, Kustendje, Medjidié, are added to Roumania. The Principality receives in addition the territory situated south of the Dobroutcha as far as a line starting eastward from Silistria and terminating in the Black Sea, south of Mangalia.

The frontier line shall be determined on the spot by the European Commission charged with the delimitation of Bulgaria.

ART. XLVII.—The question relating to the division of waters and fisheries shall be submitted to the arbitration of the European Commission of the Danube.

ART. XLVIII.—No transit dues shall be levied in Roumania on goods passing through the Principality.

ART. XLIX.—Roumania shall have power to make Conventions for the regulation of the privileges and attributes of Consuls relating to protection within the Principality. Established rights will remain in force so long as they have not been modified by the mutual consent of the Principality and of the parties interested.

ART. L.—Until the conclusion of a Treaty between Turkey and Roumania, regulating the privileges and attributes of Consuls, Roumanian subjects travelling or sojourning in the Ottoman Empire, and Ottoman subjects travelling or sojourning in Roumania, shall enjoy all rights guaranteed to the subjects of other European Powers.

ART. LI.—With regard to public works and other enterprises of a like nature, Roumania will be substituted for the Sublime Porte as regards its rights and obligations throughout the ceded territory.

ART. LII.—In order to increase the guarantees which assure the liberty of the navigation of the Danube recognized as being of European interest, the High Contracting Parties determine that all fortresses and fortifications existing on the banks of the river from the Iron Gates to its mouth shall be razed, and no new ones erected. No vessel of war shall be allowed on the Danube below the Iron Gates with the exception of vessels of light tonnage carrying on the service of the river police and Customs. The stationnaires of the Powers at the mouths of the Danube may, however, ascend the river as far as Galatz.

ART. LIII.—The European Commission of the Danube in which Roumania shall be represented will continue in the discharge of its duties, and will exercise them henceforth as far as Galatz in complete independence of the territorial authorities. All the Treaties, arrangements, acts, and decisions relating to its rights, privileges, prerogatives, and obligations are confirmed.

ART. LIV.—One year before the expiration of the term assigned for the duration of the European Commission the Powers will come to an agreement with regard to the pro-

longation of its powers, or the modifications which they may think necessary to introduce in it.

ART. LV.—The regulations respecting navigation, river police, and supervision from the Iron Gates to Galatz shall be elaborated by the European Commission, assisted by Delegates of the Riverain States, and made to harmonize with those which have been or may be issued for the portion of the river below Galatz.

ART. LVI.—The European Commission of the Danube shall come to an arrangement with the proper parties for maintaining the lighthouse on the Isle of Serpents.

ART. LVII.—The execution of the works which have for their object the removal of the obstacles which the Iron Gates and the Cataracts place in the way of navigation is entrusted to Austria-Hungary. The Riverain States on this part of the river shall afford every facility that can be required in the interests of the works.

The provisions of the VIth Article of the Treaty of London of the 13th March, 1871, relating to the right of levying a provisional tax in order to cover the cost of these works, are maintained in favour of Austria-Hungary.

ART. LVIII.—The Sublime Porte cedes to the Russian Empire in Asia the territories of Ardahan, Kars, and Batoum, together with the latter port, as well as all the territories comprised between the ancient Russo-Turkish frontier and the following line :—

The new frontier commencing on the Black Sea, in conformity with the line determined by the Treaty of San Stefano as far as a point to the north-west of Khorda, and to the south of Artwin, continues in a straight line as far as the River Tchoroukh, crosses this river and passes to the east of Aschmichen, going in a straight line to the south to join the Russian frontier indicated in the Treaty of San Stefano, at a point to the south of Nariman, leaving the town of Olti to Russia. From the point indicated near Nariman the frontier turns to the east, passes by Tebrenek, which remains to Russia and continues as far as the Pennek Tschai.

It follows this river as far as Bardouz, then turns towards the south, leaving Bardouz and Jönikiöy to Russia. From a point to the west of the village of Karaougan, the frontier is directed on Medjingert, continues in a straight line towards the summit of the Mountain Kassadagh, and follows the line of the watershed between the affluents of the Araxes on the north and those of the Mourad Sou on the south, as far as the ancient frontier of Russia.

ART. LIX.—His Majesty the Emperor of Russia declares that it is his intention to erect Batoum into a free port, essentially commercial.

ART. LX.—The valley of Alaschkerd and the town of Bayazid, ceded to Russia by Art. XIX. of the Treaty of San Stefano, are restored to Turkey.

The Sublime Porte cedes to Persia the town and territory of Khotour, such as it has been determined by the mixed Anglo-Russian Commission for the delimitation of the frontiers of Turkey and of Persia.

ART. LXI.—The Sublime Porte undertakes to carry out without further delay, the ameliorations and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds.

It will periodically make known the steps taken to this effect to the Powers, who will superintend their application.

ART. LXII.—The Sublime Porte having expressed the wish to maintain the principle of religious liberty, and give it the widest scope, the Contracting Parties take note of this spontaneous declaration.

In no part of the Ottoman Empire shall difference of religion be alleged against an individual as a ground for exclusion or incapacity as regards the discharge of civil and political rights, admission to the public service, functions and honours, or the exercise of the different professions and industries.

All persons shall be admitted, without distinction of religion, to give evidence before the tribunals.

Liberty and the outward exercise of all forms of worship are

assured to all, and no hindrance shall be offered either to the hierarchical organization of the various communions or to their relations with their spiritual chiefs.

Ecclesiastics, pilgrims, and monks of all nationalities travelling in Turkey in Europe, or in Turkey in Asia, shall enjoy the same rights, advantages, and privileges.

The right of official protection by the Diplomatic and Consular Agents of the Powers in Turkey is recognised both as regards the above-mentioned persons and their religious, charitable, and other establishments in the Holy Places and elsewhere.

The rights possessed by France are expressly reserved, and it is well understood that no alterations shall be made in the *status quo* in the Holy Places.

The Monks of Mount Athos, of whatever country they may be natives, shall be maintained in their former possessions and advantages, and shall enjoy, without any exception, complete equality of rights and prerogatives.

ART. LXIII.—The Treaty of Paris of March 30, 1856, as well as the Treaty of London of March 13, 1871, are maintained in all such of their provisions as are not abrogated or modified by the preceding stipulations.

ART. LXIV.—The present Treaty shall be ratified, and the ratifications exchanged at Berlin within three weeks, or earlier if possible.

In faith whereof &c.

III

FIRMANS AND TREATIES CONCERNING THE STATUS OF EGYPT

1.—AGREEMENT BETWEEN GREAT BRITAIN, PRUSSIA, AND RUSSIA CONFIRMING THE SULTAN'S FIRMAN GRANTING SEMI-INDE- PENDENCE TO EGYPT. (*July 15, 1840.*)

SA HAUTESSE le Sultan a l'intention d'accorder et de faire notifier à Méhémet-Ali les conditions de l'arrangement ci-dessous :

1°. Sa Hautesse promet d'accorder à Méhémet-Ali pour lui et pour ses descendants en ligne directe, l'administration du Pachalic de l'Egypte ; et Sa Hautesse promet en outre d'accorder à Méhémet-Ali, sa vie durant, avec le titre de Pacha d'Acre, et avec le commandement de la forteresse de St. Jean d'Acre, l'administration de la partie méridionale de la Syrie, dont les limites seront déterminées par la ligne de démarcation suivante :

Cette ligne partant du Cap Ras-el-Nakhora sur les côtes de la Méditerranée, s'étendra de là directement jusqu'à l'embouchure de la rivière Seisaban, extrémité septentrionale du lac Tibérias ; longera la côte occidentale dudit lac ; suivra la rive droite du fleuve Jourdain et la côte occidentale de la mer Morte ; se prolongera de là en droiture jusqu'à la mer Rouge en aboutissant à la pointe septentrionale du golfe d'Abaka et suivra de là la côte occidentale du golfe de Suez, jusqu'à Suez.

Toutefois le Sultan, en faisant ces offres, y attache la condition que Méhémet-Ali les accepte dans l'espace de dix jours après que la communication lui en aura été faite à Alexandrie par un agent de Sa Hautesse, et qu'en même temps, Méhémet-Ali dépose entre les mains de cet agent les instructions nécessaires aux commandants de ses forces de terre et de mer, de se retirer immédiatement de l'Arabie et de toutes les villes saintes qui s'y trouvent situées, de l'île de Candie, du

district d'Adana et de toutes les autres parties de l'Empire Ottoman qui ne sont pas comprises dans les limites de l'Egypte et dans celles du Pachalic d'Acre, tel qu'il a été désigné ci-dessus.

2. Si dans le délai de 10 jours fixé ci-dessus, Méhémet-Ali n'acceptait point le susdit arrangement, le Sultan retirera alors l'offre de l'administration viagère du Pachalic d'Acre ; mais Sa Hautesse consentira encore à accorder à Méhémet-Ali pour lui et pour ses descendants en ligne directe, l'administration du Pachalic d'Egypte, pourvu que cette offre soit acceptée dans l'espace des dix jours suivants, c'est à dire dans un délai de vingt jours, à compter du jour où la communication lui aura été faite, et pourvu également qu'il dépose entre les mains du Sultan les instructions nécessaires pour ses commandants de terre et de mer de se retirer immédiatement en dedans des limites et dans les ports du Pachalic de l'Egypte.

3. Le tribut annuel à payer au Sultan par Méhémet-Ali sera proportionné au plus ou moins de territoire dont ce dernier obtiendra l'administration, selon qu'il accepte la première ou la seconde alternative.

4. Il est expressément entendu de plus que dans la première comme dans la seconde alternative, Méhémet-Ali, avant l'expiration du terme fixé de 10 ou de 20 jours, sera tenu de remettre la flotte turque, avec tous ses équipages et armements, entre les mains du préposé turc qui sera chargé de la recevoir. Les commandants des escadres alliées assisteront à cette remise.

Il est entendu que dans aucun cas Méhémet-Ali ne pourra porter en compte, ni déduire du tribut à payer au Sultan, les dépenses qu'il a faites pour l'entretien de la flotte ottomane pendant tout le temps qu'elle sera restée dans les ports de l'Egypte.

5. Tous les traités et toutes les lois de l'Empire Ottoman s'appliqueront à l'Egypte et au Pachalic d'Acre, tel qu'il a été désigné ci-dessus, comme à toute autre partie de l'Empire Ottoman. Mais le Sultan consent qu'à condition du paiement régulier du tribut susmentionné, Méhémet-Ali et ses descendants perçoivent au nom du Sultan et comme délégués de Sa

Hautesse, dans les provinces dont l'administration leur sera confiée, les taxes et impôts légalement établis. Il est entendu, en outre, que moyennant la perception des taxes et impôts susdits, Méhémet-Ali et ses descendants pourvoiront à toutes les dépenses de l'administration civile et militaire des dites provinces.

6. Les forces de terre et de mer que pourra entretenir le Pacha d'Egypte et d'Acre faisant partie des forces des l'Empire Ottoman, seront toujours considérées comme entretenues pour le service de l'Etat.

7. Si à l'expiration du terme de vingt jours après la communication qui lui aura été faite (ainsi qu'il a été dit plus haut, § 2) Méhémet-Ali n'adhère point à l'arrangement proposé, et n'accepte point l'hérédité du Pachalic d'Egypte, le Sultan se considérera comme libre de retirer cette offre et de suivre en conséquence telle marche ultérieure que ses propres intérêts et les conseils de ses alliés pourront lui suggérer.

8. Le présent Acte séparé aura la même force et valeur que s'il était inséré, mot à mot, dans la convention de ce jour. Il sera ratifié et les ratifications en seront échangées à Londres en même temps que celles de ladite Convention.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé les sceaux de leurs armes.

Fait à Londres le 15 Juillet de l'an de grâce 1840.

Signé.	PALMERSTON.
	NEUMANN.
	BULOW.
	BRUNNOW.
	CHEKIB.

2.—FIRMAN FOR FURTHER DETERMINATION OF EGYPT'S STATUS.
(June 8, 1867.)

A mon illustre Vizir Ismaïl Pacha, Kedewi-el-Masr (souverain d'Egypte), grand vizir en activité, décoré des ordres d'Osmanié et de Médjédié en diamants et que Dieu continue sa gloire et augmente sa puissance et son bonheur !

En recevant ce firman impérial, apprenez notre décision.

Notre firman qui accordait au Kedewi-el-Masr le privilège de l'hérédité ordonnait que l'Egypte serait gouvernée conformément au caractère de son peuple, au droit et à l'équité d'après les lois fondamentales en vigueur dans les autres parties de l'Empire et basée sur le hatté—Humayoun de Gulhané.

Cependant l'administration intérieure de l'Egypte, c'est à dire tout ce qui a rapport à ses intérêts financiers et à ses intérêts locaux, étant de la compétence du gouvernement égyptien, nous vous permettons, pour la conservation et en faveur de ses intérêts, de faire des règlements spéciaux, ayant rapport à cette administration intérieure seulement, en continuant à observer en Egypte les traités de notre Empire tels quels. En résumé vous êtes autorisé à faire des conventions pour les douanes, la police des sujets européens, le transit, la poste, à la condition que ces accords n'aient ni la forme ni le caractère de traités internationaux ou politiques. Dans le cas contraire, si ces accords ne sont pas conformes aux bases ci-dessus et à nos droits fondamentaux de souveraineté, ils seront considérés comme nuls et nonavenus.

Dans le cas où le Gouvernement égyptien aurait quelques doutes sur la conformité d'une convention de ce genre avec les lois fondamentales de notre Empire, il devra en référer à notre Sublime Porte avant de prendre aucune résolution définitive.

Toutes les fois qu'il se fera en Egypte un règlement de douane spécial dans la forme voulue, avis en sera donné régulièrement à notre gouvernement de même que, pour sauvegarder les intérêts spéciaux de l'Egypte dans les traités de commerce qui interviendront entre nous et les gouvernements étrangers, l'administration égyptienne sera consultée.

Et afin que vous ayez pleine connaissance des volontés énoncées ci-dessus, nous avons ordonné à notre divan impérial de rédiger et de vous adresser le présent firman.

3.—CONVENTION BETWEEN GREAT BRITAIN, GERMANY, AUSTRIA-HUNGARY, SPAIN, FRANCE, ITALY, THE NETHERLANDS, RUSSIA, AND TURKEY, RESPECTING THE FREE NAVIGATION OF THE SUEZ MARITIME CANAL. (*Signed at Constantinople, October 29, 1888.*)

[*Ratifications deposited at Constantinople, December 22, 1888.*]

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of Spain, and in his name the Queen Regent of the Kingdom; the President of the French Republic; His Majesty the King of Italy; His Majesty the King of the Netherlands, Grand Duke of Luxembourg, &c.; His Majesty the Emperor of All the Russias; and His Majesty the Emperor of the Ottomans; wishing to establish, by a Conventional Act, a definite system destined to guarantee at all times, and for all the Powers, the free use of the Suez Maritime Canal, and thus to complete the system under which the navigation of this Canal has been placed by the Firman of His Imperial Majesty the Sultan, dated the 22nd February, 1866 (2 Zilkadé, 1282), and sanctioning the Concessions of His Highness the Khedive, have named as their Plenipotentiaries, that is to say:—&c.

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ART. I.—The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

Consequently, the High Contracting Parties agree not in any way to interfere with the free use of the Canal, in time of war as in time of peace.

The Canal shall never be subjected to the exercise of the right of blockade.

ART. II.—The High Contracting Parties, recognizing that the Fresh-Water Canal is indispensable to the Maritime Canal,

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take note of the engagements of His Highness the Khedive towards the Universal Suez Canal Company as regards the Fresh-Water Canal ; which engagements are stipulated in a Convention bearing date the 18th March, 1863, containing an *exposé* and four Articles.

They undertake not to interfere in any way with the security of that Canal and its branches, the working of which shall not be exposed to any attempt at obstruction.

ART. III.—The High Contracting Parties likewise undertake to respect the plant, establishments, buildings, and works of the Maritime Canal and of the Fresh-Water Canal.

ART. IV.—The Maritime Canal remaining open in time of war as a free passage, even to the ships of war of belligerents, according to the terms of Art. I. of the present Treaty, the High Contracting Parties agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the Canal, shall be committed in the Canal and its ports of access, as well as within a radius of 3 marine miles from those ports, even though the Ottoman Empire should be one of the belligerent Powers.

Vessels of war of belligerents shall not revictual or take in stores in the Canal and its ports of access, except in so far as may be strictly necessary. The transit of the aforesaid vessels through the Canal shall be effected with the least possible delay, in accordance with the Regulations in force, and without any other intermission than that resulting from the necessities of the service.

Their stay at Port Said and in the roadstead of Suez shall not exceed twenty-four hours, except in case of distress. In such case they shall be bound to leave as soon as possible. An interval of twenty-four hours shall always elapse between the sailing of a belligerent ship from one of the ports of access and the departure of a ship belonging to the hostile Power.

ART. V.—In time of war belligerent Powers shall not disembark nor embark within the Canal and its ports of access either troops, munitions, or materials of war. But in case of an accidental hindrance in the Canal, men may be embarked

or disembarked at the ports of access by detachments not exceeding 1,000 men, with a corresponding amount of war material.

ART. VI.—Prizes shall be subjected, in all respects, to the same rules as the vessels of war of belligerents.

ART. VII.—The Powers shall not keep any vessel of war in the waters of the Canal (including Lake Timsah and the Bitter Lakes).

Nevertheless, they may station vessels of war in the ports of access of Port Said and Suez, the number of which shall not exceed two for each Power.

This right shall not be exercised by belligerents.

ART. VIII.—The Agents in Egypt of the Signatory Powers of the present Treaty shall be charged to watch over its execution. In case of any event threatening the security or the free passage of the Canal, they shall meet on the summons of three of their number under the presidency of their Doyen, in order to proceed to the necessary verifications. They shall inform the Khedivial Government of the danger which they may have perceived, in order that that Government may take proper steps to insure the protection and the free use of the Canal. Under any circumstances, they shall meet once a year to take note of the due execution of the Treaty.

The last-mentioned meetings shall take place under the presidency of a Special Commissioner nominated for that purpose by the Imperial Ottoman Government. A Commissioner of the Khedive may also take part in the meeting, and may preside over it in case of the absence of the Ottoman Commissioner.

They shall especially demand the suppression of any work or the dispersion of any assemblage on either bank of the Canal, the object or effect of which might be to interfere with the liberty and the entire security of the navigation.

ART. IX.—The Egyptian Government shall, within the limits of its powers resulting from the Firmans, and under the conditions provided for in the present Treaty, take the necessary measures for insuring the execution of the said Treaty.

In case the Egyptian Government should not have sufficient means at its disposal, it shall call upon the Imperial Ottoman Government, which shall take the necessary measures to respond to such appeal; shall give notice thereof to the Signatory Powers of the Declaration of London of the 17th March, 1885; and shall, if necessary, concert with them on the subject.

The provisions of Articles IV, V, VII, and VIII shall not interfere with the measures which shall be taken in virtue of the present Article.

ART. X.—Similarly, the provisions of Articles IV, V, VII, and VIII shall not interfere with the measures which His Majesty the Sultan and His Highness the Khedive, in the name of His Imperial Majesty, and within the limits of the Firmans granted, might find it necessary to take for securing by their own forces the defence of Egypt and the maintenance of public order.

In case His Imperial Majesty the Sultan, or His Highness the Khedive, should find it necessary to avail themselves of the exceptions for which this Article provides, the Signatory Powers of the Declaration of London shall be notified thereof by the Imperial Ottoman Government.

It is likewise understood that the provisions of the four Articles aforesaid shall in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defence of its other possessions situated on the eastern coast of the Red Sea.

ART. XI.—The measures which shall be taken in the cases provided for by Articles IX and X of the present Treaty shall not interfere with the free use of the Canal. In the same cases, the erection of permanent fortifications contrary to the provisions of Article VIII is prohibited.

ART. XII.—The High Contracting Parties, by application of the principle of equality as regards the free use of the Canal, a principle which forms one of the bases of the present Treaty, agree that none of them shall endeavour to obtain with

respect to the Canal territorial or commercial advantages or privileges in any international arrangements which may be concluded. Moreover, the rights of Turkey as the territorial Power are reserved.

ART. XIII.—With the exception of the obligations expressly provided by the clauses of the present Treaty, the sovereign rights of His Imperial Majesty the Sultan, and the rights and immunities of His Highness the Khedive, resulting from the Firmans, are in no way affected.

ART. XIV.—The High Contracting Parties agree that the engagements resulting from the present Treaty shall not be limited by the duration of the Acts of Concession of the Universal Suez Canal Company.

ART. XV.—The stipulations of the present Treaty shall not interfere with the sanitary measures in force in Egypt.

ART. XVI.—The High Contracting Parties undertake to bring the present Treaty to the knowledge of the States which have not signed it, inviting them to accede to it.

ART. XVII.—The present Treaty shall be ratified, and the ratification shall be exchanged at Constantinople within the space of one month, or sooner if possible.

In faith of which, &c.

4.—ANGLO-FRENCH DECLARATION RESPECTING EGYPT AND MOROCCO. (*April 8, 1904.*)

ART. I.—His Britannic Majesty's Government declare that they have no intention of altering the political status of Egypt.

The Government of the French Republic, for their part, declare that they will not obstruct the action of Great Britain in that country by asking that a limit of time be fixed for the British occupation or in any other manner, and that they give their assent to the draft Khedivial Decree annexed to the present Arrangement, containing the guarantees considered necessary for the protection of the interests of the Egyptian bondholders, on the condition that, after its promulgation, it

cannot be modified in any way without the consent of the Powers Signatory of the Convention of London of 1885.

It is agreed that the post of Director-General of Antiquities in Egypt shall continue, as in the past, to be entrusted to a French *savant*.

The French schools in Egypt shall continue to enjoy the same liberty as in the past.

ART. II.—The Government of the French Republic declare that they have no intention of altering the political status of Morocco.

His Britannic Majesty's Government, for their part, recognize that it appertains to France, more particularly as a Power whose dominions are conterminous for a great distance with those of Morocco, to preserve order in that country, and to provide assistance for the purpose of all administrative, economic, financial, and military reforms which it may require.

They declare that they will not obstruct the action taken by France for this purpose, provided that such action shall leave intact the rights which Great Britain, in virtue of Treaties, Conventions, and usage, enjoys in Morocco, including the right of coasting trade between the ports of Morocco, enjoyed by British vessels since 1901.

ART. III.—His Britannic Majesty's Government, for their part, will respect the rights which France, in virtue of Treaties, Conventions, and usage, enjoys in Egypt, including the right of coasting trade between Egyptian ports accorded to French vessels.

ART. IV.—The two Governments, being equally attached to the principle of commercial liberty both in Egypt and Morocco, declare that they will not, in those countries, countenance any inequality either in the imposition of customs duties or other taxes, or of railway transport charges.

The trade of both nations with Morocco and with Egypt shall enjoy the same treatment in transit through the French and British possessions in Africa. An Agreement between the two Governments shall settle the conditions of such transit and shall determine the points of entry.

This mutual engagement shall be binding for a period of thirty years. Unless this stipulation is expressly denounced at least one year in advance, the period shall be extended for five years at a time.

Nevertheless, the Government of the French Republic reserve to themselves in Morocco, and His Britannic Majesty's Government reserve to themselves in Egypt, the right to see that the concessions for roads, railways, ports, &c., are only granted on such conditions as will maintain intact the authority of the State over these great undertakings of public interest.

ART. V.—His Britannic Majesty's Government declare that they will use their influence in order that the French officials now in the Egyptian service may not be placed under conditions less advantageous than those applying to the British officials in the same service.

The Government of the French Republic, for their part, would make no objection to the application of analogous conditions to British officials now in the Moorish service.

ART. VI.—In order to ensure the free passage of the Suez Canal, His Britannic Majesty's Government declare that they adhere to the stipulations of the Treaty of the 29th October, 1888, and that they agree to their being put in force. The free passage of the Canal being thus guaranteed, the execution of the last sentence of paragraph 1 as well as of paragraph 2 of Art. VIII of the Treaty will remain in abeyance.

ART. VII.—In order to secure the free passage of the Straits of Gibraltar, the two Governments agree not to permit the erection of any fortifications or strategic works on that portion of the coast of Morocco comprised between, but not including, Melilla and the heights which command the right bank of the River Sebou.

This condition does not, however, apply to the places at present in the occupation of Spain on the Moorish coast of the Mediterranean.

ART. VIII.—The two Governments, inspired by their feeling of sincere friendship for Spain, take into special consideration

the interests which that country derives from her geographical position and from her territorial possessions on the Moorish coast of the Mediterranean. In regard to these interests the French Government will come to an understanding with the Spanish Government.

The agreement which may be come to on the subject between France and Spain shall be communicated to His Britannic Majesty's Government.

ART. IX.—The two Governments agree to afford to one another their diplomatic support, in order to obtain the execution of the clauses of the present Declaration regarding Egypt and Morocco.

In witness whereof his Excellency the Ambassador of the French Republic at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty's Principal Secretary of State for Foreign Affairs, duly authorized for that purpose, have signed the present Declaration and have affixed thereto their seals.

Done at London, in duplicate, the 8th day of April, 1904.

LANSDOWNE.¹

SECRET ARTICLES.

ART. I.—In the event of either Government finding themselves constrained, by the force of circumstances, to modify their policy in respect to Egypt or Morocco, the engagements which they have undertaken towards each other by Arts. 4, 6, and 7 of the Declaration of to-day's date would remain intact.

ART. II.—His Britannic Majesty's Government have no present intention of proposing to the Powers any changes in the system of the Capitulations, or in the judicial organisation of Egypt.

In the event of their considering it desirable to introduce in

¹ The English text is an original. The French text was an identical original signed by the French Ambassador, M. Paul Cambon.

Egypt reforms tending to assimilate the Egyptian legislative system to that in force in other civilised countries, the Government of the French Republic will not refuse to entertain any such proposals, on the understanding that His Britannic Majesty's Government will agree to entertain the suggestions that the Government of the French Republic may have to make to them with a view of introducing similar reforms in Morocco.

ART. III.—The two Governments agree that a certain extent of Moorish territory adjacent to Melilla, Ceuta, and other *présides* should, whenever the Sultan ceases to exercise authority over it, come within the sphere of influence of Spain, and that the administration of the coast from Melilla as far as, but not including the heights on the right bank of the Sebou shall be entrusted to Spain.

Nevertheless, Spain would previously have to give her formal assent to the provisions of Arts. 4 and 7 of the Declaration of to-day's date, and undertake to carry them out.

She would also have to undertake not to alienate the whole, or a part, of the territories placed under her authority or in her sphere of influence.

ART. IV.—If Spain, when invited to assent to the provisions of the preceding article, should think proper to decline, the arrangement between France and Great Britain, as embodied in the Declaration of to-day's date, would be none the less at once applicable.

ART. V.—Should the consent of the other Powers to the draft Decree mentioned in Art. 1 of the Declaration of to-day's date not be obtained, the Government of the French Republic will not oppose the repayment at par of the Guaranteed, Privileged, and Unified Debts after the 15th July, 1910.

Done at London, in duplicate, the 8th day of April, 1904.

(L.S.) LANSDOWNE

(L.S.) PAUL CAMBON.

IV

HAGUE CONVENTION FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES (WITH DIFFERENCES BETWEEN THE TEXTS OF 1899 AND 1907).

(The passages between square brackets are the parts of the Convention of 1899 which have been suppressed. Those in italics are the additions and alterations made by the Convention of 1907.)

(Names of High Contracting Parties.)

Animated by a strong desire to concert for the maintenance of general peace ;

Resolved to second by their best efforts the friendly settlement of international disputes ;

Recognising the solidarity which unites the members of the society of civilised nations ;

Desirous of extending the empire of law, and of strengthening the appreciation of international justice ;

Convinced that the permanent institution of a Court of Arbitration, accessible to all, in the midst of the independent Powers, will contribute effectively to this result ;

Having regard to the advantages attending the general and regular organisation of arbitral procedure ;

Sharing the opinion of the august Initiator of the International Peace Conference that it is expedient to record in an International agreement the principles of equity and right on which are based the security of States and the welfare of peoples ;

Desirous for this purpose of better assuring the practical working of commissions of enquiry and courts of arbitration and to facilitate recourse to arbitration when matters in variance are concerned which can be dealt with by a summary procedure ;

Have thought it necessary to revise on certain points and to complete the work of the First Peace Conference for the pacific settlement of international disputes.

[Being desirous of concluding a convention to this effect, have appointed as their Plenipotentiaries : &c., &c., &c.]

The High Contracting Powers have resolved to enter into a new Convention for this purpose, and have named as their Plenipotentiaries.

(Names and Description of the Plenipotentiaries.)

Who, after [communication of] *having deposited* their full powers, found in good and due form, have agreed [on the following provisions] *as follows* :—

TITLE I.—ON THE MAINTENANCE OF GENERAL PEACE.

ART. I.—With a view to obviating, as far as possible, recourse to force in the relations between States, the [Signatory] *Contracting* Powers agree to use their best efforts to ensure the pacific settlement of international differences.

TITLE II.—ON GOOD OFFICES AND MEDIATION.

ART. II.—In case of serious disagreement or conflict, before an appeal to arms, the [Signatory] *Contracting* Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

ART. III.—Independently of this recourse, the [Signatory] *Contracting* Powers reconsider it expedient *and desirable* that one or more Powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

ART. IV.—The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

ART. V.—The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute, or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ART. VI.—Good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice, and never have binding force.

ART. VII.—The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If mediation occurs after the commencement of hostilities, it causes no interruption to the military operations in progress, unless there be an agreement to the contrary.

ART. VIII.—The [Signatory] *Contracting* Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form :—

In case of a serious difference endangering the peace, the States at variance choose respectively a Power, to whom they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the States in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers

are charged with the joint task of taking advantage of any opportunity to restore peace.

TITLE III.—ON INTERNATIONAL COMMISSIONS OF INQUIRY.

ART. IX.—In differences of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of fact, the [Signatory] *Contracting* Powers recommend that the parties, who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

[**ART. X.**—The International Commissions of Inquiry are constituted by special agreement between the parties in conflict.

The Convention for an inquiry defines the facts to be examined and the extent of the Commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.

The form and the periods to be observed, if not stated in the Inquiry Convention, are decided by the Commission itself.]

[**ART. XI.**—The International Commissions of Inquiry are formed, unless otherwise stipulated, in the manner fixed by Art. XXXII. of the present Convention.]

[**ART. XII.**—The Powers in dispute engage to supply the International Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with, and to accurately understand, the facts in question.]

[**ART. XIII.**—The International Commission of Inquiry communicates its report to the conflicting Powers, signed by all the members of the Commission.]

[**ART. XIV.**—The Report of the International Commission of Inquiry is limited to a statement of facts, and has in no way

the character of an Arbitral Award. It leaves the conflicting Powers entire freedom as to the effect to be given to this statement.]

ART. X.—*International Commissions of Inquiry are constituted by a special convention between the Parties in conflict.*

The convention of inquiry states precisely the facts to be examined; it determines the mode of and period for the constitution of the Commission, and the extent of the powers of the commissioners.

It also states, should the case arise, the place where the Commission shall sit, and the power to change the place, the language which it shall use, and those the use of which shall be authorised, as well as the date at which each Party shall lodge its statement of facts and, in general, all the conditions to which the Parties have agreed.

If the Parties consider it necessary to name assessors, the convention of inquiry determines how they shall be chosen and the extent of their powers.

ART. XI.—*If the convention of inquiry has not appointed the place of meeting of the Commission, the latter shall sit at The Hague.*

Once the place has been fixed, it cannot be changed by the Commission without the consent of the Parties.

If the convention of inquiry has not determined what languages are to be employed, this shall be determined by the Commission.

ART. XII.—*Unless there is a stipulation to the contrary, the Commissions of Inquiry shall be formed as specified in Arts. XLV, and LVII. of this Convention.*

ART. XIII.—*In case of death, resignation, or prevention from any cause whatsoever, of one of the commissioners, or contingently of one of the assessors, he shall be replaced in the same manner as he was appointed.*

ART. XIV.—*The Parties have the right to appoint special agents in connection with the Commission of Inquiry, whose duty it is to represent them and serve as intermediaries between them and the Commission.*

They are, in addition, entitled to instruct counsel or advocates appointed by the Parties, to state and argue the case before the Commission.

ART. XV.—*The International Bureau of the permanent Court of arbitration shall serve as a Registry for the Commissions which shall sit at The Hague, and shall place its offices and organisation at the disposal of the Contracting Parties for the operations of the Commission of Inquiry.*

ART. XVI.—*If the Commission sits elsewhere than at The Hague, it appoints a General Secretary whose offices shall serve as a Registry.*

The Registry has charge, subject to the President's authority, of the material organisation of the sittings of the Commission, the drawing up of the minutes, and during the inquiry the keeping of the archives which shall afterwards be handed over to the International Bureau at The Hague.

ART. XVII.—*In order to facilitate the institution and the working of the Commissions of Inquiry, the Contracting Powers recommend the following rules which shall be applicable to the procedure of inquiry, in so far as the Parties do not adopt other rules.*

ART. XVIII.—*The Commission shall regulate the details of procedure which have not been provided for by the special convention of inquiry, or in the present convention, and shall fulfil all the formalities relating to the taking of evidence.*

ART. XIX.—*The inquiry shall take place in the presence of both Parties.*

On dates fixed beforehand, each party shall communicate to the Commission and to the other Party the statements of fact, if necessary, and in all cases the records, papers, and documents which it considers useful for ascertaining the facts, as well as the list of witnesses and experts it desires to be heard.

ART. XX.—*The Commission may, with the consent of the Parties, temporarily move to the spot where it considers it useful to resort to this method of obtaining information, or it may delegate one or more of its members to go there. It must obtain the authorisation of the State on whose territory it proposes to obtain such information.*

ART. XXI.—*All verifications on the spot and visits to places shall be made in the presence of the agents and counsel of the Parties or after they have been duly cited.*

ART. XXII.—*The Commission has the right to require from one or the other Party such explanations or information as it may deem useful.*

ART. XXIII.—*The Parties undertake to furnish the Commission of Inquiry, to the fullest extent they consider possible, with all necessary means and facilities to obtain complete knowledge and an exact appreciation of the facts at issue.*

They undertake to make use of the means at their disposal in accordance with their internal legislation, to ensure the attendance of witnesses or experts, on their territory, and cited to appear before the Commission.

If such witnesses and experts cannot appear before the Commission, they will have their evidence taken before their own proper authorities.

ART. XXIV.—*For the purpose of any notifications which the Commission may have to make on the territory of a third Contracting Power, the Commission shall address itself directly to the Government of that Power. The same applies where evidence has to be taken on the spot.*

Requests addressed for this purpose shall be carried out in accordance with the methods provided by the domestic legislation of the Power applied to. They can only be refused if this Power consider them of a nature injurious to its sovereignty or security.

The Commission shall also at all times have Power of recourse to the intermediary of the Power on whose territory it may be holding its sittings.

ART. XXV.—*Witnesses and experts are cited on application by the Parties, or ex officio by the Commission, and, in all cases, through the intermediary of the Government of the State on whose territory they may be.*

The witnesses are heard one after the other and separately, in the presence of the agents and counsel, and in the order fixed by the Commission.

ART. XXVI.—*The interrogation of witnesses is conducted by the President.*

The members of the Commission may, nevertheless, put to each witness such questions as they may think proper, to explain or complete his deposition, or to obtain information on anything relating to the witness within the necessary limits for the ascertaining of the truth.

The agents and counsel of the Parties may not interrupt a witness in his deposition, nor address any question to him directly, but may request the President to put to the witness such complementary questions as they may deem necessary.

ART. XXVII.—*The witness must make his depositions without being allowed to read from any draft. He may, however, be authorised by the President to make use of notes or documents if the nature of the facts deposed to necessitate their use.*

ART. XXVIII.—*A minute of the deposition of the witness is drawn up during the sitting, and is read over to the witness. The witness may make such alterations and additions as he may think fit, and they shall be added at the foot of his deposition.*

When the whole of the deposition is read over to the witness, he is requested to sign it.

ART. XXIX.—*The agents are authorised, during or after the inquiry, to submit in writing to the Commission and to the other Party, such statements, requisitions, or summaries of fact, as they may deem fit for the ascertaining of the truth.*

ART. XXX.—*The deliberations of the Commission shall take place within closed doors and shall be secret.*

Every decision shall be by the majority of the members of the Commission.

The refusal of a member to take part in the voting shall be mentioned in the minute.

ART. XXXI.—*The sittings of the Commission are only public, and the minutes and documents of the inquiry are only made public by virtue of a decision of the Commission, taken with the consent of the Parties.*

ART. XXXII.—*The Parties having submitted all explanations and evidence, all witnesses having been heard, the President pro-*

nounces the inquiry closed, and the Commission adjourns to deliberate and to draw up its report.

ART. XXXIII.—*The report is signed by all the members of the Commission.*

If any member refuses to sign it, mention is made thereof ; the report, nevertheless, remains valid.

ART. XXXIV.—*The report of the Commission is read at a public sitting, the agents and counsel of the Parties being present or duly cited.*

A copy of the report is forwarded to each Party.

ART. XXXV.—*The report of the Commission, limited to an ascertaining of the facts, has not the character of an arbitral award. It allows the Parties full liberty in respect of giving effect to such ascertainment.*

ART. XXXVI.—*Each Party shall bear its own costs and an equal share of the expenses of the Commission.*

TITLE IV.—ON INTERNATIONAL ARBITRATION.

Chapter I.—On the System of Arbitration.

ART. [XV.] XXXVII.—*International arbitration has for its object the settlement of differences between States by judges of their own choice, and on the basis of respect for law. Recourse to arbitration implies an undertaking to submit in good faith to the Award.*

ART. [XVI.] XXXVIII.—*In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognised by the [Signatory] Contracting Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.*

ART. [XVII.] XXXIX.—*The Arbitration Convention is concluded for questions already existing or for questions which may arise eventually.*

It may embrace any dispute, or only disputes of a certain category.

[ART. XVIII.—The Arbitration Convention implies the engagement to submit loyally to the Award.]

ART. [XIX.] XL.—Independently of general or private Treaties expressly stipulated recourse to arbitration as obligatory on the [Signatory] *Contracting* Powers, these Powers reserve to themselves the right of concluding [either before the ratification of the present Act or later], new Agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.

Chapter II.—*On the Permanent Court of Arbitration.*

ART. [XX.] XLI.—With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the [Signatory] *Contracting* Powers undertake to [organise a] *maintain as established by the First Peace Conference, the permanent Court of Arbitration*, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the Rules of Procedure inserted in the present Convention.

ART. [XXI.] XLII.—The permanent Court [shall be] *is* competent for all arbitration cases, unless the parties agree to institute a special Tribunal.

ART. [XXII.] XLIII.—*The permanent Court has its seat at The Hague.*

An International Bureau [established at The Hague] serves as record office for the Court.

[This Bureau] *It* is the channel for communications relative to the meetings of the Court.

It has the custody of the archives, and conducts all the administrative business.

The [Signatory] *Contracting* Powers undertake to communicate to the International Bureau [at The Hague], *as soon as possible*, a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special Tribunals.

They undertake also to communicate to the Bureau the

Laws, Regulations, and documents eventually showing the execution of the awards given by the Court.

ART. [XXIII.] XLIV.—[Within the three months following ratification of the present Act], Each [Signatory] *Contracting* Power [shall] select four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrators.

The persons thus selected [shall be] *are* inscribed, as members of the Court, in a list which shall be notified by the Bureau to all the Signatory Powers.

Any alteration in the list of Arbitrators is brought by the Bureau to the knowledge of the [Signatory] *Contracting* Powers.

Two or more Powers may agree on the selection in common of one or more members.

The same person can be selected by different Powers.

The members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a member of the Court, his place shall be filled in accordance with the method of his appointment, *and for a further period of six years.*

ART. [XXIV.] XLV.—When the [Signatory] *Contracting* Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the Arbitrators called upon to form the competent Tribunal to decide this difference must be chosen from the general list of members of the Court.

Failing [the direct] agreement of the parties on the composition of the Arbitration Tribunal the following course shall be pursued :—

Each party appoints two Arbitrators [and these], *of whom one only can be of its nationality or selected from those nominated by them as members of the Permanent Court. These arbitrators together choose an Umpire.*

If the votes are equal, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party

selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

[The Tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the Arbitrators.

The Tribunal of Arbitration assembles on the date fixed by the Parties.

The members of the Court, in the discharge of their duties and out of their own country, enjoy diplomatic privileges and immunities.]

If, within a period of two months, these two Powers have not come to an agreement, each of them submits two candidates taken from the list of members of the permanent Court, apart from the members selected by the Parties and not being nationals of any of these Parties. The umpire shall be selected from the candidates thus submitted by drawing of lots.

[ART. XXV.—The Tribunal of Arbitration has its ordinary seat at The Hague.

Except in cases of necessity, the place of session can only be altered by the Tribunal with the assent of the parties.]

[ART. XXVI.—The International Bureau at The Hague is authorised to place its premises and its staff at the disposal of the Signatory Powers for the operations of any special Board of Arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the Regulations, be extended to disputes between non-Signatory Powers, or between Signatory Powers and non-Signatory Powers, if the parties are agreed on recourse to this Tribunal.]

ART. XLVI.—*As soon as the Tribunal is constituted, the Parties shall notify to the Bureau their decision to apply to the Court, the text of their "compromis" and the names of the Arbitrators.*

The Bureau communicates, without delay, to each arbitrator the "compromis" and the names of the other Members of the Tribunal.

The Tribunal sits at the date fixed by the Parties. The Bureau provides for its installation.

The Members of the Tribunal, in the exercise of their functions and outside their own country, enjoy diplomatic privileges and immunities.

ART. XLVII.¹—*The Bureau is authorised to place its premises and its organisation at the disposal of the Contracting Powers for the purposes of any special proceedings in arbitration.*

The jurisdiction of the Permanent Court may be extended, under conditions provided for by the rules, to differences existing between Non-contracting Powers or between Contracting Powers and Non-contracting Powers, if the Parties are agreed to accept this jurisdiction.

ART. [XXVII.] XLVIII.—The [Signatory] Contracting Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present Convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

In case of dispute between two Powers, one of them may always address a note to the International Bureau containing its declaration that it is prepared to submit the difference to arbitration.

The Bureau shall at once bring the declaration to the knowledge of the other Power.

ART. [XXVIII.] XLIX.—[A] *The Permanent Administrative Council composed of the Diplomatic Representatives of the [Signatory] Contracting Powers accredited to The Hague, and of the Netherland Minister for Foreign Affairs, who [will] acts as President [shall be instituted in this town as soon as possible after the ratification of the present Act by at least nine Powers] under the direction and control of the International Bureau.*

This Council will be charged with the establishment and

¹ See ART. XXVI., of which this takes the place without change of sense.

organisation of the International Bureau, which will be under its direction and control.

[It will notify to the Powers the constitution of the Court and will provide for its installation.]

[It will] *This Council* settles its Rules of Procedure and all other necessary Regulations.

It [will] decides all questions of administration which may arise with regard to the operations of the Court.

It [will have] *has* entire control over the appointment, suspension or dismissal of the officials and employ  s of the Bureau.

It [will] fixes the payments and salaries, and controls the general expenditure.

At meetings duly summoned the presence of [five] *nine* members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the [Signatory] *Contracting* Powers without delay the Regulations adopted by it. It [furnishes] *submits to* them [with] an annual Report on the labours of the Court, the working of the Administration, and the expenses.

The report also contains a summary of the essential contents of the documents communicated to the Bureau by the Powers by virtue of Art. 43, §§ 3 and 4.

ART. [XXIX.] L.—The expenses of the Bureau shall be borne by the [Signatory] *Contracting* Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

Chapter III.—*On Arbitral Procedure.*

ART. [XXX.] LI.—With a view to encourage the development of arbitration, the [Signatory] *Contracting* Powers have agreed on the following Rules, which [shall be] *are* applicable to arbitral procedure, unless other Rules have been agreed on by the parties.

ART. [XXXI.] LII.—The Powers who have recourse to arbitration sign a [special Act (" "] *Compromis* ["])], in which the subject of the difference is [clearly] defined [as well as the

extent of the Arbitrators' powers. This Act implies the undertaking of the parties to submit loyally to the Award]¹, *the time for the appointment of the arbitrators, the form, order, and periods within which the communication referred to in Art. 63 shall be made, and the amount which each party shall deposit on account of expenses.*

The "compromis" shall also fix, if necessary, the mode in which the arbitrators shall be appointed, all special powers which it may be requisite to confer on the Tribunal, its meeting-place, the language to be employed, and the languages the use of which may be authorised before it, and generally all conditions on which the Parties are agreed.

[ART. XXXII.—The duties of Arbitrator may be conferred on one Arbitrator alone or on several Arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present Act.

Failing the constitution of the Tribunal by direct agreement between the parties, the following course shall be pursued :

Each party appoints two Arbitrators, and these latter together choose an Umpire.

In case of equal voting, the choice of the Umpire is entrusted to a third Power, selected by the parties by common accord.

If no agreement is arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.]

ART. LIII.—*The permanent Court is competent for the drawing up of the "compromis," if the Parties are agreed to accept it.*

It is also competent, even if the application is made by only one of the Parties, when an arrangement through the diplomatic channel has been tried in vain, provided it relates to :

1. *A difference arising out of a general arbitration Treaty entered into or renewed after this Convention shall have come into force, and which provides for each difference a "Compromis," and which does not exclude, either expressly or implicitly, the competence of the Court to settle it. In any event, recourse to the*

¹ This part of the Article has been transposed to Art. XXXVII.

Court shall not be admissible if the other Party declares that in its opinion the difference does not belong to the category of differences of a nature to be submitted to obligatory arbitration, unless the arbitration Treaty confers on the Court the power to decide this preliminary question ;

2. *A difference arising out of contractual debts claimed from one Power by another Power as due to its nationals, and for the solution of which the offer of arbitration has been accepted. This provision is not applicable if the acceptance has been made subject to the condition that the " compromis " should be settled in another way.*

ART. LIV.—*In cases provided for by the preceding article, the " compromis " shall be settled by a commission composed of five members appointed in the manner specified in Art. 45, §§ 3 to 6.*

The fifth member is de jure President of the commission.

ART. LV.—*Arbitral functions may be conferred on a single arbitrator or on several arbitrators appointed by the Parties as they may think proper, or selected by them from the members of the permanent Court of arbitration established by the present Convention.*

In default of constitution of the Tribunal by agreement between the Parties, the procedure shall be as specified in Art. 45, §§ 3 to 6.

ART. [XXXIII.] LVI.—*When a Sovereign or the Chief of a State is chosen as Arbitrator, the arbitral procedure is settled by him.*

ART. [XXXIV.] LVII.—*The Umpire is by right President of the Tribunal.*

When the Tribunal does not include an Umpire, it appoints its own President.

ART. LVIII.—*In the event of the settlement of the " compromis " by a commission, as provided in Art. 54, and in the absence of any stipulation to the contrary, the commission itself shall constitute the Tribunal of arbitration.*

ART. [XXXV.] LIX.—*In case of the death, retirement, or disability from any cause of one of the Arbitrators, his place shall be filled in accordance with the method of his appointment.*

[ART. XXXVI.—The Tribunal's place of session is selected by the parties. Failing this selection the Tribunal sits at The Hague.

The place thus fixed cannot, except in case of necessity, be changed by the Tribunal without the assent of the parties.]

ART. LX.—*Unless otherwise fixed by the Parties, the Tribunal shall hold its sittings at The Hague.*

The Tribunal may only hold its sittings on the territory of a third Power with the consent of the latter.

The place of sitting once fixed can only be changed by the Tribunal with the consent of the Parties.

ART. LXI.—*If the "compromis" has not fixed the languages to be used, this shall be decided by the Tribunal.*

ART. [XXXVII.] LXII.—The parties have the right to appoint [delegates or] special agents to attend the Tribunal, for the purpose of serving as intermediaries between them and the Tribunal.

They are further authorised to retain, for the defence of their rights and interests before the Tribunal, counsel or advocates appointed by them for this purpose.

Members of the permanent Court cannot exercise the functions of agents, counsel, or advocates except for the benefit of the Power which has appointed them members of the Court.

[ART. XXXVIII.—The Tribunal decides on the choice of languages to be used by itself, and to be authorised for use before it.]¹

ART. [XXXIX.] LXIII.—As a general rule the arbitral procedure comprises two distinct phases : preliminary examination and discussion.

Preliminary *written* examination consists in the communication by the respective agents to the members of the Tribunal and to the opposite party [of all printed or written Acts and of all documents containing the arguments invoked in the case. This communication shall be made in the form and within the periods fixed by the Tribunal in accordance with Art. XLIX.] *of memoirs, counter-memoirs, and, if necessary, replies ; the*

¹ See Art. LXI., which takes the place of this Article.

Parties add all documents referred to in the cause. This communication shall be made, either directly or through the medium of the International Bureau, in the order and within the periods fixed by the "compromis."

The periods fixed by the "compromis" may be extended by the mutual agreement of the Parties or by the Tribunal, when the latter shall consider it necessary in order to arrive at a just decision.

Discussion consists in the oral development before the Tribunal of the arguments of the parties.

ART. [XL.] LXIV.—Every document produced by one party must be communicated to the other party.

ART. LXV.—*In the absence of special circumstances, the Tribunal will only sit after all the preliminary examination has been completed.*

ART. [XLI.] LXVI.—The discussions are under the direction of the President.

They are only public if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in the *procès-verbaux* drawn up by the Secretaries appointed by the President. These *procès-verbaux* are signed by the President and by one of the secretaries; they alone have an authentic character.

ART. [XLII.] LXVII.—When the preliminary examination is concluded, the Tribunal has the right to refuse discussion of all fresh Acts or documents which one party may desire to submit to it without the consent of the other party.

ART. [XLIII.] LXVIII.—The Tribunal is free to take into consideration fresh Acts or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the Tribunal has the right to require the production of these Acts or documents, but is obliged to make them known to the opposite party.

ART. [XLIV.] LXIX.—The Tribunal can, besides, require from the agents of the parties the production of all Acts, and can demand all necessary explanations. In case of refusal, the Tribunal takes note of it.

ART. [XLV.] LXX.—The agents and counsel of the parties are authorised to present orally to the Tribunal all the arguments they may think expedient in defence of their case.

ART. [XLVI.] LXXI.—They have the right to raise objections and points.

The decisions of the Tribunal on those points are final, and cannot form the subject of any subsequent discussion.

ART. [XLVII.] LXXII.—The members of the Tribunal have the right to put questions to the agents and counsel of the parties, and to ask explanations from them on doubtful points.

Neither the questions put nor the remarks made by members of the Tribunal during the discussions can be regarded as an expression of opinion by the Tribunal in general, or by its members in particular.

ART. [XLVIII.] LXXIII.—The Tribunal is authorised to declare its competence in interpreting the "Compromis" as well as the other Treaties which may be invoked in the case, and in applying the principles of international law.

ART. [XLIX.] LXXIV.—The Tribunal has the right to issue Rules of Procedure for the conduct of the case, to decide the forms, the order and periods within which each party must conclude its *final* arguments, and to arrange all the formalities required for dealing with the evidence.

ART. LXXV.—*The Parties undertake to supply the Tribunal, as far as they possibly can with all material requisite for the settlement of the matter at issue.*

ART. LXXVI.—*In respect of any notifications which the Tribunal may have to make on the territory of a third Contracting Power, the Tribunal shall address itself directly to the Government of that Power. The same applies where evidence has to be taken on the spot.*

Applications to this effect shall be complied with in accordance with the domestic legislation of the Power to whom the application is addressed. They can only be refused if this Power shall consider them of a nature to interfere with its sovereignty or its security.

The Tribunal shall always have the right of recourse to the intermediary of the Power on whose territory its sittings are held.

ART. [L.] LXXVII.—When the agents and counsel of the parties have submitted all explanations and evidence in support of their case, the President pronounces the discussion closed.

ART. [LI.] LXXVIII.—The deliberations of the Tribunal take place in private *and remain secret.*

Every decision is taken by a majority of members of the Tribunal.

[The refusal of a member to vote must be recorded in the *procès-verbal.*]

ART. [LII.] LXXIX.—The Award[, given by a majority of votes,] is accompanied by a statement of reasons. *It shall mention the names of the arbitrators ; it is signed by the President and by the registrar, or by the secretary acting as registrar.* [It is drawn up in writing and signed by each member of the Tribunal.

Those members who are in the minority may record their dissent when signing.]

ART. [LIII.] LXXX.—The Award is read out at a public meeting [of the Tribunal], the agents and counsel of the parties being present, or duly summoned to attend.

ART. [LIV.] LXXXI.—The Award, duly pronounced and notified to the agents of the parties [at variance], puts an end to the dispute definitely and without appeal.

ART. LXXXII.—*Any difference which may arise between the Parties, relating to the interpretation and execution of the award, shall, in the absence of any stipulation to the contrary, be submitted to the decision of the Court which has delivered it.*

ART. [LV.] LXXXIII.—The parties can reserve in the “compromis” the right to demand the revision of the Award.

In this case, and unless there be an [agreement] *stipulation* to the contrary, the demand must be addressed to the Tribunal which pronounced the Award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence on the Award, and which, at the time the

discussion was closed, was unknown to the Tribunal and to the party demanding the revision.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognising in it the character described in the foregoing paragraph, and declaring the demand admissible on this ground.

The "compromis" fixes the period within which the demand for revision must be made.

ART. [LVI.] LXXXIV.—The Award is only binding on the parties [who concluded the "Compromis"] *at variance*.

When there is a question of interpreting a convention to which Powers, other than those concerned in the dispute, are parties, the latter [notify to the former the "Compromis" they have concluded] *notify within a suitable time all the Signatory Powers*. Each of these Powers has the right to intervene in the case. If one or more of them avail themselves of this right, the interpretation contained in the Award is equally binding on them.

ART. [LVII.] LXXXV.—Each party pays its own expenses and an equal share of those of the Tribunal.

Chapter IV.—Of Summary Proceedings in Arbitration.

ART. LXXXVI.—*With a view to facilitate proceedings in arbitration, when they concern disputes of a nature to be dealt with summarily, the Contracting Powers adopt the following rules which shall be followed in the absence of stipulations to the contrary, and under reserve, should the case arise, of the application of the provisions of Chapter III. which may not be inconsistent therewith.*

ART. LXXXVII.—*Each of the Parties in conflict appoints an arbitrator. The two arbitrators thus appointed choose an umpire. If they do not agree as to this, each shall submit two candidates selected from the general list of the Members of the permanent Court, excluding the members indicated by each of the Parties themselves and not being nationals of their respective countries ;*

which of these candidates shall be the umpire shall be determined by drawing lots.

The umpire presides over the Tribunal which decides by the majority.

ART. LXXXVIII.—*In the absence of previous agreement, the Tribunal, as soon as it is constituted, fixes the period within which the two Parties are to submit their respective statements.*

ART. LXXXIX.—*Each Party is represented before the Tribunal by an agent who shall act as intermediary between the Tribunal and the Government which has appointed him.*

ART. XC.—*The proceedings shall be exclusively in writing. Each Party has, however, the right to apply for the calling of witnesses and experts. The Tribunal, on its side, has the power to require oral explanations from the agents of the two Parties, as well as from the witnesses and experts whose attendance it shall deem desirable.*

[General] *Final Provisions.*

ART. XCI.—*The present Convention, duly ratified, shall take the place in the relations between the Contracting Powers of the Convention for the pacific settlement of international disputes of July 29, 1899.*

ART. [LVIII.] XCII.—*The present Convention shall be ratified as speedily as possible.*

The ratifications shall be deposited at The Hague.

[A procès-verbal shall be drawn up recording the receipt of each ratification, and a copy duly certified shall be sent, through the diplomatic channel, to all the Powers who were represented at the International Peace Conference at The Hague.

The first deposit of ratifications shall be recorded by a minute signed by the representatives of the Powers taking part therein and by the Netherland Minister of Foreign Affairs.

Deposits of ratifications thereafter shall be effected by a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A certified copy of the minute relating to the first deposit of

ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall immediately be sent by the Netherland Government and by the diplomatic channel to the Powers convened to the Second Peace Conference, as well as to the other Powers which shall have adhered to the Convention. In the cases referred to in the preceding paragraph, the said Government shall at the same time inform them of the date at which it received the notification.

[ART. LIX.—The non-Signatory Powers who were represented at the International Peace Conference can adhere to the present Convention. For this purpose they must make known their adhesion to the Contracting Powers by a written notification addressed to the Netherland Government, and communicated by it to all the other Contracting Powers.]

ART. XCIII.—*Non-signatory Powers which were convened to the Second Peace Conference shall be allowed to adhere to the present Convention.*

Any Power wishing to adhere shall give notice of its intention in writing to the Netherland Government, and shall transmit to the latter the act of adhesion which shall be deposited in the archives of the said Government.

The said Government shall immediately transmit to all the other Powers which were convened to the Second Peace Conference a certified copy of the notification and also of the act of adhesion, and indicate the date at which it received the notification.

ART. [LX.] XCIV.—The conditions on which the Powers who were not [represented at] convened to the Second [International] Peace Conference can adhere to the present Convention shall form the subject of a subsequent Agreement among the contracting Powers.

ART. XCV.—*The present Convention shall take effect as regards the Powers who shall have taken part in the first deposit of ratifications, sixty days after the date of the minute of this deposit, and as regards the Powers who shall ratify thereafter, or who shall adhere, sixty days after notification of their ratification or of their adhesion, shall have been received by the Netherland Government.*

ART. XCVI.—*In the event of one of the Contracting Powers*

wishing to denounce the present Convention, such denunciation shall be notified in writing to the Netherland Government, who shall at once communicate a certified copy of the notification to all the other Powers, mentioning at the same time the date at which it was received.

The denunciation shall only have effect in respect of the Power having made it, and one year from the date on which the Netherland Government shall have received it.

ART. XCVII.—*A register kept by the Netherland Ministry of Foreign Affairs shall indicate the date of the deposit of ratifications effected by virtue of Art. XCII., §§ 3 and 4, and also the date of receipt of the notifications of adhesion (Art. XCIII., § 2), or of denunciation (Art. XCVI., § 1).*

Each Contracting Power shall have a right to examine this register, and to apply for certified extracts therefrom.

[ART. LXI.—In the event of one of the High Contracting Parties denouncing the present Convention, this denunciation would not take effect until a year after its notification made in writing to the Netherland Government, and by it communicated at once to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have [signed] *affixed their signatures to the present Convention [and affixed their seals to it].*

Done at The Hague [July 29, 1899], October 18, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and copies of it, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures.]

V

HAGUE CONVENTION WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR ON LAND (WITH DIFFERENCES BETWEEN THE TEXTS OF 1899 AND 1907).

(The passages between square brackets are the parts of the Convention and Regulations of 1899 which have been suppressed. Those in italics are the additions and alterations made by the Convention of 1907.)

(Names of High Contracting Parties.)

CONSIDERING that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert ;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever-increasing requirements of civilisation ;

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible ;

[Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight ;

[Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land ;]

Have thought it necessary to complete and to give precision on certain points to the work of the First Peace Conference, which, following the Brussels Conference of 1874, sought inspiration

from views suggested by a wise and generous foresight, and adopted provisions having for their object the definition and regulation of the usages of war on land.

In the view of the High Contracting Parties, these provisions the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations ;

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice ;

On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for want of a written provision, be left to the arbitrary judgment of the military Commanders ;

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilised nations, from the laws of humanity, and the requirements of the public conscience ;

They declare that it is in this sense especially that Arts. I. and II. of the Regulations adopted must be understood ;

The High Contracting Parties, desiring to conclude a Convention to this effect, have appointed as their Plenipotentiaries :—

Who, after [communication of] *having deposited* their full powers, found in good and due form, have agreed on the following provisions :

ART. I.—The [High] Contracting [Parties] *Powers* shall issue instructions to their armed land forces, which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land annexed to the present Convention.

ART. II.—The provisions contained in the Regulations mentioned in Art. I. *as well as those contained in the present*

*Convention, are only applicable as between the Contracting Powers, and only if the belligerents are all parties to the Convention.*¹

ART. III.—*The belligerent Party who shall violate the provisions of the said Regulations shall be bound, if the case arises, to pay an indemnity. It shall be responsible for all acts done by persons forming part of its armed force.*¹

ART. IV.—*The present Convention, duly ratified, shall take the place, in the relations between the contracting Powers, of the Convention of July 29, 1899, relating to the laws and customs of war on land.*

*The Convention of 1899 remains in force in the relations between the Powers who have signed it and who do not also ratify the present Convention.*¹

ART. V.—*The present Convention shall be ratified as soon as possible.*

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded by a minute signed by the representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

Deposits of ratifications thereafter shall be effected by a written notification addressed to the Netherland Government, and accompanied by the instrument of ratification.

*A certified copy of the minute relating to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall immediately be sent by the Netherland Government and through the diplomatic channel to the Powers convened to the Second Peace Conference, as well as to the other Powers which shall have adhered to the Convention. In the cases referred to in the preceding paragraph, the said Government shall at the same time inform them of the date at which it received the notification.*¹

ART. VI.—*Non-signatory Powers, shall be allowed to adhere to the present Convention.*

Any Power wishing to adhere shall give notice of its intention by writing to the Netherland Government, and shall transmit to

¹ Verbal alterations only.

the latter the act of adhesion which shall be deposited in the archives of the said Government.

The said Government shall immediately transmit to all the other Powers a certified copy of the notification and also of the act of adhesion, and indicate the date at which it received the notification.

ART. VII.—*The present Convention shall take effect as regards the Powers who shall have taken part in the first deposit of the ratifications, sixty days after the date of the minute of this deposit, and, as regards the Powers who shall ratify thereafter or who shall adhere, sixty days after notification of their ratification or of their adhesion, shall have been received by the Netherland Government.*

ART. VIII.—*In the event of one of the Contracting Powers wishing to denounce the present Convention, such denunciation shall be notified in writing to the Netherland Government, who shall at once communicate a certified copy of the notification to all the other Powers, mentioning at the same time the date at which it was received.*

The denunciation shall only have effect as regards the Power having made it one year from the date on which the Netherland Government shall have received it.

ART. IX.—*A register kept by the Netherland Ministry of Foreign Affairs shall indicate the date of the deposit of the ratifications effected by virtue of Art. 5, §§ 3 and 4, and also the date of receipt of the notifications of adhesion (Art. 6, § 2) or of denunciation (Art. 8, § 1).*

Each Contracting Power shall have the right to examine this register and to claim certified extracts therefrom.

In faith of which the Plenipotentiaries have affixed their signatures to the present Convention.

Done at the Hague [the 29th July, 1899] the 18th October, 1907, in a single copy, which shall be kept in the archives of the Netherland Government, and copies of which, duly certified, shall be delivered to the [Contracting] Powers through the diplomatic channel.

(Signatures.)

APPENDIX TO THE CONVENTION.

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF
WAR ON LAND.SECTION I.—*On Belligerents.*Chapter I.—*On the Qualifications of Belligerents.*

ART. 1.—The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps, fulfilling the following conditions :—

1. To be commanded by a person responsible for his subordinates ;
2. To have a fixed distinctive emblem recognisable at a distance ;
3. To carry arms openly ; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination " army."

ART. 2.—The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organise themselves in accordance with Art. I., shall be regarded as belligerent, if they *carry arms openly and* respect the laws and customs of war.

ART. 3.—The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as prisoners of war.

Chapter II.—*On Prisoners of War.*

ART. 4.—Prisoners of War are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ART. 5.—Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits ; but they can only be confined as an indispensable measure of safety, *and only so long as circumstances necessitating this measure shall endure.*

ART. 6.—The State may utilize the labour of prisoners of war according to their rank and aptitude, *with the exception of the officers.* Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorised to work for the Public Service, for private persons, or on their own account.

Work for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks, *or, if there are none in force, then according to a tariff suitable to the work executed.*

When the work is for other branches of the Public Service or for private persons, the conditions shall be settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

ART. 7.—The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners of war shall be treated, as regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

ART. 8.—Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State into whose hands they have fallen.

Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken

prisoners, are not liable to any punishment for the previous flight.

ART. 9.—Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class.

ART. 10.—Prisoners of war may be set at liberty on parole if the laws of their country authorise it, and, in such a case, they are bound, on their personal honour, scrupulously to fulfil, both as regards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases, their own Government shall not require of nor accept from them any service incompatible with the parole given.

ART. 11.—A prisoner of war cannot be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

ART. 12.—Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honour, or against the allies of that Government, forfeits his right to be treated as a prisoner of war, and can be brought before the Courts.

ART. 13.—Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers, contractors, who fall into the enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

ART. 14.—A Bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States and, when necessary, in the neutral countries on whose territory belligerents have been received. This Bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with

all the information necessary [to make out an individual return of every prisoner of war. It is kept informed of internments and changes, also of admissions to hospital and of deaths] *relating to internments and changes, to releases on parole, to exchanges, to escapes, to admissions to hospital, as well as other particulars, to enable it to keep from day to day an individual return for each prisoner of war. The Bureau must enter on this return the regimental number, the name and fore-name, age, place of origin, rank, corps, wounds, date and place of capture, of internment, of wounds, and of death, as well as any special observations. Each return shall be forwarded to the Government of the other belligerent after the conclusion of peace.*

It is also the duty of the information Bureau to receive and collect all objects of personal use, valuables, letters, &c., found on the battlefields or left by prisoners who have *been liberated on parole, exchanged or have escaped* or died in hospital or ambulance, and to transmit them to those interested.

ART. 15.—Relief Societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility, within the bounds of military requirements and Administrative Regulations, for the effective accomplishment of their humane task. Delegates of these Societies may be admitted to the places of internment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an engagement in writing to comply with all their regulations for order and police.

ART. 16.—The Information Bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or despatched by them, shall be free of all postal duties, both in the countries of origin and destination, as well as in those they pass through.

Gifts and relief in kind for prisoners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

ART. 17.—Officers taken prisoners *shall receive the full pay to which officers of the same grade in the country where they are detained are entitled*, the amount to be repaid by their Government.¹

ART. 18.—Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with the regulations for order and police issued by the military authorities.

ART. 19.—The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the national army.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ART. 20.—After the conclusion of peace, the repatriation of prisoners of war shall take place as speedily as possible.

Chapter III.—*On the Sick and Wounded.*

ART. 21.—The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention [of the 22nd August, 1864, subject to any modifications which may be introduced into it].

SECTION II.—*On Hostilities.*

Chapter I.—*On means of injuring the Enemy, Sieges, and Bombardments.*

ART. 22.—The right of belligerents to adopt means of injuring the enemy is not unlimited.

ART. 23.—Besides the prohibitions provided by special Convention, it is especially prohibited :—

- (a.) To employ poison or poisoned arms ;
- (b.) To kill or wound treacherously individuals belonging to the hostile nation or army ;
- (c.) To kill or wound an enemy who, having laid down arms, or having no longer means of defence, has surrendered at discretion ;
- (d.) To declare that no quarter will be given ;

¹ Verbal alterations.

(e.) To employ arms, projectiles, or material of a nature to cause superfluous injury ;

(f.) To make improper use of a flag of truce, the national flag or military ensigns and the enemy's uniform, as well as the distinctive badges, of the Geneva Convention ;

(g.) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.

(h.) *To declare extinguished, suspended, or non-receivable in justice, the claims and actions of the natives of the adversary.*

It is also forbidden to a belligerent to compel the natives of the adversary to take part in war operations directed against their country, even if they were in his service before the commencement of the war.

ART. 24.—Ruses of war and the employment of methods necessary to obtain information about the enemy and the country, are considered allowable.

ART. 25.—The attack or bombardment, *by any means whatever*, of towns, villages, habitations, or buildings which are not defended, is prohibited.

ART. 26.—The commander of an attacking force, before commencing a bombardment, except in the case of an assault, should do all he can to warn the authorities.

ART. 27.—In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

The besieged should indicate these bulidings or places by some particular and visible signs, which should previously be notified to the assailants.

ART. 28.—The pillage of a town or place, even when taken by assault, is prohibited.

Chapter II.—*On Spies.*

ART. 29.—An individual can only be considered a spy if, acting clandestinely, or on false pretences, he obtains, or seeks

to obtain, information in the zone of operations of a belligerent, with the intention of communicating it to the adverse party.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not considered spies. Similarly, the following are not considered spies : soldiers or civilians, carrying out their mission openly, charged with the delivery of despatches destined either for their own army or for that of the enemy. To this class belong likewise individuals sent in balloons to deliver despatches and generally to maintain communication between the various parts of an army or a territory.

ART. 30.—A spy taken in the act cannot be punished without previous trial.

ART. 31.—A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

Chapter III.—*On Flags of Truce.*

ART. 32.—An individual is considered as bearing a flag of truce who is authorised by one of the belligerents to enter into communication with the other, and who carries a white flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flag bearer, and the interpreter who may accompany him.

ART. 33.—The chief to whom a flag of truce is sent is not obliged to receive it in all circumstances.

He can take all steps necessary to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ART. 34.—The envoy loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treachery.

Chapter IV.—*On Capitulations.*

ART. 35.—Capitulations agreed on between the Contracting

Parties must be in accordance with the rules of military honour.

When once settled, they must be scrupulously observed by both the parties.

Chapter V.—*On Armistices.*

ART. 36.—An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ART. 37.—An armistice may be general or local. The first suspends all military operations of the belligerent States ; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

ART. 38.—An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

ART. 39.—It is for the Contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theatre of war, with the population and with each other.

ART. 40.—Any serious violation of the armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

ART. 41.—A violation of the terms of the armistice by private individuals acting on their own initiative only confers the right of demanding the punishment of the offenders, and if necessary, indemnity for the losses sustained.

SECTION III.—*On Military Authority over Hostile Territory.*

ART. 42.—Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established, and in a position to assert itself.

ART. 43.—The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall

take all steps in his power to re-establish and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ART. 44.—Any compulsion of the population of occupied territory [to take part in military operations against its own country] *to give information respecting the army of the other belligerent or its means of defence* is prohibited.

ART. 45.—Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

ART. 46.—Family honour and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

Private property cannot be confiscated.

ART. 47.—Pillage is formally prohibited.

ART. 48.—If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules of application and assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

ART. 49.—If, besides the taxes mentioned in the preceding Article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

ART. 50.—No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it cannot be regarded as collectively responsible.

ART. 51.—No tax shall be collected except under a written order and on the responsibility of a Commander-in-Chief.

This collection shall only take place, as far as possible, in accordance with the rules of application and assessment of taxes in force.

For every payment a receipt shall be given to the tax-payer.

ART. 52.—Neither requisitions in kind nor services can be demanded from communes or inhabitants except for the

necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in the obligation of taking part in military operations against their country.

These requisitions and services shall only be demanded on the authority of the Commander in the locality occupied.

The contributions in kind shall, as far as possible, be paid for in ready money ; if not, their receipt shall be acknowledged, *and the payments of the amounts due shall be made as soon as possible.*

ART. 53.—An army of occupation can only take possession of the cash, funds, and property liable to requisition belonging strictly to the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property of the State which may be used for military operations.

[Railway plant, land telegraphs, telephones, steamers, and other ships, apart from cases governed by maritime law, as well as depôts of arms, and, generally, all kinds of war material, even though belonging to Companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.]

All apparatus, on land, at sea, or in the air, serving as means for transmission of intelligence or for the transport of persons or things, except in cases governed by maritime law, depôts of arms and, generally, all kinds of munitions of war, may be seized, even if belonging to private individuals, but shall be restored and indemnities settled when peace has been concluded.

ART. 54.—[The plant of railways coming from neutral States, whether the property of those States, or of Companies, or of private persons, shall be sent back to them as soon as possible.]

Submarine cables joining an occupied territory to a neutral territory shall not be seized or destroyed except in case of absolute necessity. They shall also be restored and indemnities settled on the conclusion of peace.

ART. 55.—The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real

property, forests, and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

ART. 56.—The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.

[SECTION IV.—*On the Internment of Belligerents and the Care of the Wounded in Neutral Countries.*

[ART. 57.—A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It can keep them in camps, and even confine them in fortresses or localities assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not leave the neutral territory without authorisation.]

[ART. 58.—Failing a special Convention, the neutral State shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace, the expenses caused by the internment shall be made good.]

[ART. 59.—A neutral State may authorise the passage through its territory of wounded or sick belonging to the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to adopt such measures of safety and control as may be necessary for the purpose.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to

the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.]

[ART. 60.—The Geneva Convention applies to sick and wounded interned in neutral territory.]

VI

DECLARATION OF LONDON

(Signed Feb. 26, 1909.¹)

CONCERNING THE LAWS OF NAVAL WAR

HIS Majesty the German Emperor, King of Prussia ; the President of the United States of America ; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary ; His Majesty the King of Spain ; the President of the French Republic ; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India ; His Majesty the King of Italy ; His Majesty the Emperor of Japan ; Her Majesty the Queen of the Netherlands ; His Majesty the Emperor of All the Russias.

Having regard to the terms in which the British Government invited various Powers to meet in conference in order to arrive at an agreement as to what are the generally recognized rules of international law within the meaning of Art. VII. of the Convention of 18th October, 1907, relative to the establishment of an International Prize Court ;

Recognizing all the advantages which an agreement as to the said rules would, in the unfortunate event of a naval war, present, both as regards peaceful commerce, and as regards the belligerents and their diplomatic relations with neutral Governments ;

Having regard to the divergence often found in the methods by which it is sought to apply in practice the general principles of international law ;

¹ The Declaration was signed in the French language only.

Animated by the desire to insure henceforward a greater measure of uniformity in this respect ;

Hoping that a work so important to the common welfare will meet with general approval ;

Have appointed as their Plenipotentiaries, that is to say :

His Majesty the German Emperor, King of Prussia :

M. Kriege, Privy Councillor of Legation and Legal Adviser to the Department for Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America :

Rear-Admiral Charles H. Stockton, retired ;

Mr. George Grafton Wilson, Professor at Brown University and Lecturer on International Law at the Naval War College and at Harvard University.

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary :

His Excellency M. Constantin Théodore Dumba, Privy Councillor of His Imperial and Royal Apostolic Majesty, Envoy Extraordinary and Minister Plenipotentiary.

His Majesty the King of Spain :

M. Gabriel Maura y Gamazo, Count de la Mortera, Member of Parliament.

The President of the French Republic :

M. Louis Renault, Professor of the Faculty of Law at Paris, Honorary Minister Plenipotentiary, Legal Adviser to the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India :

The Earl of Desart, K.C.B., King's Proctor.

His Majesty the King of Italy :

M. Guido Fusinato, Councillor of State, Member of Parliament, ex-Minister of Public Instruction, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Japan :

Baron Toshiatsu Sakamoto, Vice-Admiral, Head of the

Department of Naval Instruction ;

M. Enjiro Yamaza, Councillor of the Imperial Embassy at London.

Her Majesty the Queen of the Netherlands :

His Excellency Jonkheer J. A. Roëll, Aide-de-Camp to Her Majesty the Queen in Extraordinary Service, Vice-Admiral retired, ex-Minister of Marine ;

Jonkheer L. H. Ruysenaers, Envoy Extraordinary and Minister Plenipotentiary, ex-Secretary-General of the Permanent Court of Arbitration.

His Majesty the Emperor of All the Russias :

Baron Taube, Doctor of Laws, Councillor to the Imperial Ministry of Foreign Affairs, Professor of International Law at the University of St. Petersburg.

Who, after having communicated their full powers, found to be in good and due form, have agreed to make the present Declaration :—

PRELIMINARY PROVISION.

The Signatory Powers are agreed that the rules contained in the following Chapters correspond in substance with the generally recognized principles of international law.

Chapter I.—*Blockade in time of War.*

ART. 1.—A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy.

ART. 2.—In accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline.

ART. 3.—The question whether a blockade is effective is a question of fact.

ART. 4.—A blockade is not regarded as raised if the blockading force is temporarily withdrawn on account of stress of weather.

ART. 5.—A blockade must be applied impartially to the ships of all nations.

ART. 6.—The commander of a blockading force may give permission to a warship to enter, and subsequently to leave, a blockaded port.

ART. 7.—In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under blockade and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.

ART. 8.—A blockade, in order to be binding, must be declared in accordance with Art. 9, and notified in accordance with Arts. 11 and 16.

ART. 9.—A declaration of blockade is made either by the blockading Power or by the naval authorities acting in its name.

It specifies—

- (1.) The date when the blockade begins ;
- (2.) The geographical limits of the coastline under blockade ;
- (3.) The period within which neutral vessels may come out.

ART. 10.—If the operations of the blockading Power, or of the naval authorities acting in its name, do not tally with the particulars, which, in accordance with Art. 9 (1) and (2), must be inserted in the declaration of blockade, the declaration is void, and a new declaration is necessary in order to make the blockade operative.

ART. 11.—A declaration of blockade is notified—

(1.) To neutral Powers, by the blockading Power by means of a communication addressed to the Governments direct, or to their representatives accredited to it ;

(2.) To the local authorities, by the officer commanding the blockading force. The local authorities will, in turn, inform the foreign consular officers at the port or on the coastline under blockade as soon as possible.

ART. 12.—The rules as to declaration and notification of blockade apply to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised.

ART. 13.—The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by Art. 11.

ART. 14.—The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.

ART. 15.—Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade to the Power to which such port belongs, provided that such notification was made in sufficient time.

ART. 16.—If a vessel approaching a blockaded port has no knowledge, actual or presumptive, of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's logbook, and must state the day and hour, and the geographical position of the vessel at the time.

If through the negligence of the officer commanding the blockading force no declaration of blockade has been notified to the local authorities, or, if in the declaration, as notified, no period has been mentioned within which neutral vessels may come out, a neutral vessel coming out of the blockaded port must be allowed to pass free.

ART. 17.—Neutral vessels may not be captured for breach of blockade except within the area of operations of the war-ships detailed to render the blockade effective.

ART. 18.—The blockading forces must not bar access to neutral ports or coasts.

ART. 19.—Whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port.

ART. 20.—A vessel which has broken blockade outwards, or which has attempted to break blockade inwards, is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can no longer be effected.

ART. 21.—A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned, unless it is proved that at the time of the shipment of the goods the shipper

neither knew nor could have known of the intention to break the blockade.

Chapter II.—*Contraband of War.*

ART. 22.—The following articles may, without notice,¹ be treated as contraband of war, under the name of absolute contraband :—

(1.) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.

(2.) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.

(3.) Powder and explosives specially prepared for use in war.

(4.) Gun-mountings, limber boxes, limbers, military wag-gons, field forges, and their distinctive component parts.

(5.) Clothing and equipment of a distinctively military character.

(6.) All kinds of harness of a distinctively military character.

(7.) Saddle, draught, and pack animals suitable for use in war.

(8.) Articles of camp equipment, and their distinctive component parts.

(9.) Armour plates.

(10.) Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.

(11.) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.

ART. 23.—Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.

Such notification must be addressed to the Governments of other Powers, or to their representatives accredited to the

¹ In view of the difficulty of finding an exact equivalent in English for the expression "de plein droit," it has been decided to translate it by the words "without notice," which represent the meaning attached to it by the draftsman as appears from the General Report.

Power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral Powers.

ART. 24.—The following articles, susceptible of use in war as well as for purposes of peace, may, without notice,¹ be treated as contraband of war, under the name of conditional contraband :—

- (1.) Foodstuffs.
- (2.) Forage and grain, suitable for feeding animals.
- (3.) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
- (4.) Gold and silver in coin or bullion ; paper money.
- (5.) Vehicles of all kinds available for use in war, and their component parts.
- (6.) Vessels, craft, and boats of all kinds ; floating docks, parts of docks and their component parts.
- (7.) Railway material, both fixed and rolling-stock, and material for telegraphs, wireless telegraphs, and telephones.
- (8.) Balloons and flying machines and their distinctive component parts, together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.
- (9.) Fuel ; lubricants.
- (10.) Powder and explosives not specially prepared for use in war.
- (11.) Barbed wire and implements for fixing and cutting the same.
- (12.) Horseshoes and shoeing materials.
- (13.) Harness and saddlery.
- (14.) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

ART. 25.—Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in Arts. 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of Art. 23.

ART. 26.—If a Power waives, so far as it is concerned, the

¹ See note on Art. 22.

right to treat as contraband of war an article comprised in any of the classes enumerated in Arts. 22 and 24, such intention shall be announced by a declaration, which must be notified in the manner provided for in the second paragraph of Art. 23.

ART. 27.—Articles which are not susceptible of use in war may not be declared contraband of war.

ART. 28.—The following may not be declared contraband of war :—

(1.) Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.

(2.) Oil seeds and nuts ; copra.

(3.) Rubber, resins, gums, and lacs ; hops.

(4.) Raw hides and horns, bones, and ivory.

(5.) Natural and artificial manures, including nitrates and phosphates for agricultural purposes.

(6.) Metallic ores.

(7.) Earths, clays, lime, chalk, stone, including marble, bricks, slates, and tiles.

(8.) Chinaware and glass.

(9.) Paper and paper-making materials.

(10.) Soap, paint and colours, including articles exclusively used in their manufacture, and varnish.

(11.) Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.

(12.) Agricultural, mining, textile, and printing machinery.

(13.) Precious and semi-precious stones, pearls, mother-of-pearl, and coral.

(14.) Clocks and watches, other than chronometers.

(15.) Fashion and fancy goods.

(16.) Feathers of all kinds, hairs and bristles.

(17.) Articles of household furniture and decoration ; office furniture and requisites.

ART. 29.—Likewise the following may not be treated as contraband of war :—

(1.) Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and

subject to the payment of compensation, be requisitioned, if their destination is that specified in Art. 30.

(2.) Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.

ART. 30.—Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transshipment or a subsequent transport by land.

ART. 31.—Proof of the destination specified in Art. 30 is complete in the following cases :—

(1.) When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.

(2.) When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.

ART. 32.—Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.

ART. 33.—Conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces or of a government department of the enemy State, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under Art. 24 (4).

ART. 34.—The destination referred to in Art. 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No

such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.

In cases where the above presumptions do not arise the destination is presumed to be innocent.

The presumptions set up by this Article may be rebutted.

ART. 35.—Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

ART. 36.—Notwithstanding the provisions of Art. 35, conditional contraband, if shown to have the destination referred to in Art. 33, is liable to capture in cases where the enemy country has no seaboard.

ART. 37.—A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination.

ART. 38.—A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.

ART. 39.—Contraband goods are liable to condemnation.

ART. 40.—A vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.

ART. 41.—If a vessel carrying contraband is released, she may be condemned to pay the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.

ART. 42.—Goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.

ART. 43.—If a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, the contraband cannot be condemned except on payment of compensation ; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and expenses referred to in Art. 41. The same rule applies if the master after becoming aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.

A vessel is deemed to be aware of the existence of a state of war, or of a declaration of contraband, if she left a neutral port subsequently to the notification to the Power to which such port belongs of the outbreak of hostilities or of the declaration of contraband respectively, provided that such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities.

ART. 44.—A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the proportion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.

The delivery of the contraband must be entered by the captor on the logbook of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.

Chapter III.—*Unneutral Service.*

ART. 45.—A neutral vessel will be condemned and will, in a general way, receive the same treatment as a neutral vessel liable to condemnation for carriage of contraband :—

(1.) If she is on a voyage specially undertaken with a view

to the transport of individual passengers who are embodied in the armed forces of the enemy, or with a view to the transmission of intelligence in the interests of the enemy.

(2.) If, to the knowledge of either the owner, the charterer, or the master, she is transporting a military detachment of the enemy, or one or more persons who, in the course of the voyage, directly assist the operations of the enemy.

In the cases specified under the above heads, goods belonging to the owner of the vessel are likewise liable to condemnation.

The provisions of the present Article do not apply if the vessel is encountered at sea while unaware of the outbreak of hostilities, or if the master, after becoming aware of the outbreak of hostilities, has had no opportunity of disembarking the passengers. The vessel is deemed to be aware of the existence of a state of war if she left an enemy port subsequently to the outbreak of hostilities, or a neutral port subsequently to the notification of the outbreak of hostilities to the Power to which such port belongs, provided that such notification was made in sufficient time.

ART. 46.—A neutral vessel will be condemned and, in a general way, receive the same treatment as would be applicable to her if she were an enemy merchant vessel :

- (1.) If she takes a direct part in the hostilities ;
- (2.) If she is under the orders or control of an agent placed on board by the enemy Government ;
- (3.) If she is in the exclusive employment of the enemy Government ;
- (4.) If she is exclusively engaged at the time either in the transport of enemy troops or in the transmission of intelligence in the interest of the enemy.

In the cases covered by the present Article, goods belonging to the owner of the vessel are likewise liable to condemnation.

ART. 47.—Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel, may be made a prisoner of war, even though there be no ground for the capture of the vessel.

Chapter IV.—*Destruction of Neutral Prizes.*

ART. 48.—A neutral vessel which has been captured may not be destroyed by the captor ; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the capture.

ART. 49.—As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of Art. 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.

ART. 50.—Before the vessel is destroyed all persons on board must be placed in safety, and all the ship's papers and other documents which the parties interested consider relevant for the purpose of deciding on the validity of the capture must be taken on board the warship.

ART. 51.—A captor who has destroyed a neutral vessel must, prior to any decision respecting the validity of the prize, establish that he only acted in the face of an exceptional necessity of the nature contemplated in Art. 49. If he fails to do this, he must compensate the parties interested and no examination shall be made of the question whether the capture was valid or not.

ART. 52.—If the capture of a neutral vessel is subsequently held to be invalid, though the act of destruction has been held to have been justifiable, the captor must pay compensation to the parties interested, in place of the restitution to which they would have been entitled.

ART. 53.—If neutral goods not liable to condemnation have been destroyed with the vessel, the owner of such goods is entitled to compensation.

ART. 54.—The captor has the right to demand the handing over, or to proceed himself to the destruction of, any goods liable to condemnation found on board a vessel not herself liable to condemnation, provided that the circumstances are such as would, under Art. 49, justify the destruction of a vessel

herself liable to condemnation. The captor must enter the goods surrendered or destroyed in the logbook of the vessel stopped, and must obtain duly certified copies of all relevant papers. When the goods have been handed over or destroyed, and the formalities duly carried out, the master must be allowed to continue his voyage.

The provisions of Arts. 51 and 52 respecting the obligations of a captor who has destroyed a neutral vessel are applicable.

Chapter V.—*Transfer to a Neutral Flag.*

ART. 55.—The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent nationality less than sixty days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.

Where the transfer was effected more than thirty days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits arising from the employment of, the vessel remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than sixty days before the outbreak of hostilities and if the bill of sale is not on board, the capture of the vessel gives no right to damages.

ART. 56.—The transfer of an enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

There, however, is an absolute presumption that a transfer is void—

(1.) If the transfer has been made during a voyage or in a blockaded port.

(2.) If a right to repurchase or recover the vessel is reserved to the vendor.

(3.) If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing, have not been fulfilled.

Chapter VI.—*Enemy Character.*

ART. 57.—Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.

The case where a neutral vessel is engaged in a trade which is closed in time of peace, remains outside the scope of, and is in no wise affected by, this rule.

ART. 58.—The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.

ART. 59.—In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods.

ART. 60.—Enemy goods on board an enemy vessel retain their enemy character until they reach their destination, notwithstanding any transfer effected after the outbreak of hostilities while the goods are being forwarded.

If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognized legal right to recover the goods, they regain their neutral character.

Chapter VII.—*Convoy.*

ART. 61.—Neutral vessels under national convoy are exempt from search. The commander of a convoy gives, in writing, at the request of the commander of a belligerent warship, all information as to the character of the vessels and their cargoes, which could be obtained by search.

ART. 62.—If the commander of the belligerent warship has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to

him. In such a case it is for the commander of the convoy alone to investigate the matter. He must record the result of such investigation in a report, of which a copy is handed to the officer of the warship. If, in the opinion of the commander of the convoy, the facts shown in the report justify the capture of one or more vessels, the protection of the convoy must be withdrawn from such vessels.

Chapter VIII.—*Resistance to Search.*

ART. 63.—Forcible resistance to the legitimate exercise of the right of stoppage, search, and capture, involves in all cases the condemnation of the vessel. The cargo is liable to the same treatment as the cargo of an enemy vessel. Goods belonging to the master or owner of the vessel are treated as enemy goods.

Chapter IX.—*Compensation.*

ART. 64.—If the capture of a vessel or of goods is not upheld by the prize court, or if the prize is released without any judgment being given, the parties interested have the right to compensation, unless there were good reasons for capturing the vessel or goods.

FINAL PROVISIONS.

ART. 65.—The provisions of the present Declaration must be treated as a whole, and cannot be separated.

ART. 66.—The Signatory Powers undertake to insure the mutual observance of the rules contained in the present Declaration in any war in which all the belligerents are parties thereto. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take such measures as may be required in order to insure that it will be applied by their courts, and more particularly by their prize courts.

ART. 67.—The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited in London.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers taking part therein, and by His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the British Government, and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, and of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification which accompany them, shall be immediately sent by the British Government, through the diplomatic channel, to the Signatory Powers. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ART. 68.—The present Declaration shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently, sixty days after the notification of their ratification shall have been received by the British Government.

ART. 69.—In the event of one of the Signatory Powers wishing to denounce the present Declaration, such denunciation can only be made to take effect at the end of a period of twelve years, beginning sixty days after the first deposit of ratifications, and, after that time, at the end of successive periods of six years, of which the first will begin at the end of the period of twelve years.

Such denunciation must be notified in writing, at least one year in advance, to the British Government, which shall inform all the other Powers.

It will only operate in respect of the denouncing Power.

ART. 70.—The Powers represented at the London Naval Conference attach particular importance to the general recog-

dition of the rules which they have adopted, and therefore express the hope that the Powers which were not represented there will accede to the present Declaration. They request the British Government to invite them to do so.

A Power which desires to accede shall notify its intention in writing to the British Government, and transmit simultaneously the act of accession, which will be deposited in the archives of the said Government.

The said Government shall forthwith transmit to all the other Powers a duly certified copy of the notification, together with the act of accession, and communicate the date on which such notification was received. The accession takes effect sixty days after such date.

In respect of all matters concerning this Declaration, acceding Powers shall be on the same footing as the Signatory Powers.

ART. 71.—The present Declaration, which bears the date of the 26th February, 1909, may be signed in London up till the 30th June, 1909, by the Plenipotentiaries of the Powers represented at the Naval Conference.

In faith whereof the Plenipotentiaries have signed the present Declaration, and have thereto affixed their seals.

Done at London, the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall remain deposited in the archives of the British Government, and of which duly certified copies shall be sent through the diplomatic channel to the Powers represented at the Naval Conference.

[Here follow the signatures.]

VII

CONVENTION BETWEEN GREAT BRITAIN AND FRANCE, FOR
THE DELIMITATION OF THEIR RESPECTIVE POSSESSIONS
TO THE WEST OF THE NIGER, AND OF THEIR RESPECTIVE
POSSESSIONS AND SPHERES OF INFLUENCE TO THE EAST
OF THAT RIVER. (*Signed at Paris, June 14, 1898.*)

(*Ratifications exchanged at Paris, June 13, 1899.*)

ART. I.—The frontier separating the British Colony of the Gold Coast from the French Colonies of the Ivory Coast and Soudan shall start from the Northern terminal point of the frontier laid down in Anglo-French Agreement of the 12th July, viz., the intersection of the thalweg of the Black Volta with the 9th degree of north latitude and shall follow the thalweg of this river northward up to its intersection with the 11th degree of north latitude. From this point it shall follow this parallel of latitude eastward as far as the river shown on Map annexed to the present Protocol, as passing immediately to the east of the villages of Zwaga (Souaga) and Zebilla (Sebilla), and it shall then follow the thalweg of the western branch of this river upstream to its intersections with the parallel of latitude passing through the village of Sapeliga. From this point the frontier shall follow the northern limits of the lands belonging to Sapeliga as far as the River Nuhau (Nouhau), and shall then follow the thalweg of this river up or down stream, as the case may be, to a point situated 2 miles 3,219 metres eastward of the road which leads from Gambaga to Tenkrugu (Baukou). Thence it shall rejoin by a straight line the 11th degree of north latitude at the intersection of this

parallel with the road which is shown on Map No. 1 as leading from Sansanné-Mango to Pama, *via* Jebigu (Djebiga).

ART. II.—The frontier between the British Colony of Lagos and the French Colony of Dahomey, which was delimited on the ground by the Anglo-French Boundary Commission of 1895, and which is described in the Report signed by the Commissioners of the Two nations on the 12th October, 1896, shall henceforward be recognised as the frontier separating the British and French Possessions from the sea to the 9th degree of north latitude.

From this point of intersection of the River Ocpara with the 9th degree of north latitude, as determined by the said Commissioners, the frontier separating the British and French possessions shall proceed in a northerly direction, and follow a line passing west of the lands belonging to the following places, viz., Tabira, Okuta (Okouta), Boria, Tere, Gbani Ashigere (Yassikéra), and Dekala.

From the most westerly point of the lands belonging to Dekala the frontier shall be drawn in a northerly direction so as to coincide as far as possible with the line indicated on Map No. 1 annexed to the present Protocol, and shall strike the right bank of the Niger at a point situated 10 miles (16'093 metres) upstream from the centre of the town of Gere (Guiris) (the port of Ilo), measured as the crow flies.

ART. III.—From the point specified in Art. II. where the frontier separating the British and French possessions strikes the Niger, viz., a point situated on the right bank of that river, 10 miles (16'093 metres) upstream from the centre of the town of Gere (Guiris) (the port of Ilo), the frontier shall follow a straight line drawn therefrom at right angles to the right bank as far as its intersection with the median line of the river. It shall then follow the median line of the river, upstream as far as its intersection with a line drawn perpendicularly to the left bank from the median line of the mouth of the depression or dry water-course, which, on Map No. 2 annexed to the present Protocol, is called the Dallul Mauri, and is shown thereon as being situated at a distance of about 17 miles (27'359 metres),

measured as the crow flies, from a point on the left bank opposite the above-mentioned village of Gere (Guiris).

From this point of intersection the frontier shall follow this perpendicular till it meets the left bank of the river.

ART. IV.—To the east of the Niger the frontier separating the British and French possessions shall follow the line indicated on Map 2, which is annexed to the present Protocol.

Starting from the point on the left bank of the Niger indicated in the previous Article, viz., the median line of the Dallul Mauri, the frontier shall follow this median line until it meets the circumference of a circle drawn from the centre of the town of Sokoto with a radius of 100 miles (160'932 metres). From this point it shall follow the northern arc of this circle as far as its second intersection with the 14th parallel of north latitude. From this second point of intersection it shall follow this parallel eastward for a distance of 70 miles (112'652 metres); then proceed due south until it reaches the parallel for a distance of 250 miles (402'230 metres); then due north until it regains the 14th parallel of north latitude; then eastwards along this parallel as far as its intersection with the meridian passing 35' east of the centre of the town of Kuka, and thence this meridian southward until its intersection with the southern shore of Lake Chad.

The Government of the French Republic recognises as falling within the British sphere, the territory to the east of the Niger, comprised within the above-mentioned line, the Anglo-German frontier, and the sea.

The Government of her Britannic Majesty recognises as falling within the French sphere the northern, eastern and southern shores of Lake Chad, which are comprised between the point of intersection of the 14th degree of north latitude with the western shore of the lake and the point of incidence on the shore of the lake of the frontier determined by the Franco-German Convention of the 15th March, 1894.

ART. V.—The frontiers set forth in the present Protocol are indicated on the annexed Maps which are marked 1 and 2 respectively.

The two Governments undertake to appoint, within a year as regards the frontiers west of the Niger and within two years as regards the frontier east of that river, to count in each case from the date of the exchange of ratifications of the Convention which is to be concluded between them for the purpose of confirming the present Protocol, Commissioners who will be charged with delimiting on the spot the lines of demarcation between the British and French possessions, in conformity and in accordance with the spirit of the stipulations of the present Protocol.

With respect to the delimitation of the portion of the Niger in the neighbourhood of Ilo and the Dallul Mauri referred to in Art. III. the Boundary Commissioners shall, in determining on the spot the river frontier, distribute equitably between the two Contracting Powers such islands as may be found to interfere with the delimitation of the river as defined in Art. III.

It is understood between the two Contracting Powers that no subsequent alteration in the position of the median line of the river shall affect the ownership of the islands assigned to each of the two Powers by the *procès-verbal* of the Commissioners, after being duly approved by the two Governments.

ART. VI.—The two Contracting Powers engage reciprocally to treat with consideration [*bienveillance*] the native chiefs who, having had Treaties with one of them, shall, in virtue of the present Protocol come under the sovereignty of the other.

ART. VII.—Each of the two Contracting Powers undertakes not to exercise any political action in the spheres of the other, as defined by Arts. I., II., III., IV., of the present Protocol.

It is understood by this that each Power will not, in the sphere of the other, make territorial acquisitions, conclude Treaties, accept sovereign rights or Protectorates nor hinder or dispute the influence of the other.

ART. VIII.—Her Britannic Majesty's Government will grant on lease to the Government of the French Republic, for the objects and on the conditions specified in the form of lease

annexed to the present Protocol, two pieces of ground to be selected by the Government of the French Republic in conjunction with Her Majesty's Government one of which will be situated in a suitable spot on the right bank of the Niger between Leaba and the junction of the River Moussa (Mochi) with the former river, and the other on one of the mouths of the Niger.

Each of these pieces of land shall have a river frontage not exceeding 400 metres in length, and shall form a block, the area of which shall not be less than 10 nor more than 50 hectares in extent. The exact boundaries of these pieces of land shall be shown on a plan annexed to each of the leases.

The conditions upon which the transit of merchandize shall be carried on on the Niger, its affluents, its branches and outlets, as well as between the piece of ground between Leaba and the junction of the River Moussa (Mochi) mentioned above, and the point upon the French frontier to be specified by the Government of the French Republic, will form the subject of Regulations, the details of which shall be discussed by the two Governments immediately after the signature of the present Protocol.

Her Britannic Majesty's Government undertake to give four months notice to the French Government of any modification in the Regulations in question, in order to afford to the said French Government the opportunity of laying before the British Government any representations which it may wish to make.

ART. IX.—Within the limits defined on Map 2 which is annexed to the present Protocol, British subjects and British protected persons, and French citizens and French protected persons, as far as regards their persons and goods, and the merchandize the produce or the manufacture of Great Britain and France, their respective Colonies, possessions, and Protectorates, shall enjoy for thirty years, from the date of the exchange of the ratifications of the Convention mentioned in Art. V. the same treatment in all matters of river navigation, of commerce, and of tariff and fiscal treatment and taxes of all kinds.

Subject to this condition, each of the two Contracting Powers shall be free to fix, in its own territory, and as may appear to it most convenient, the tariff and fiscal treatment and taxes of all kinds.

In case neither of the two Contracting Powers shall have notified twelve months before the expiration of the above-mentioned term of thirty years its intention to put an end to the effects of the present Article, it shall remain in force until the expiration of one year from the day on which either of the Contracting Powers shall have denounced it.

In witness whereof the undersigned Delegates have drawn up and signed the present Protocol.

Done at Paris in duplicate, the 14th day of June in the year of our Lord 1898.

(L.S.) MARTIN GOSSELIN.

(L.S.) WILLIAM EVERETT.

(L.S.) RENE LECOMTE.

(L.S.) G. BINGER.

DECLARATION COMPLETING THE FOREGOING CONVENTION OF
JUNE 14, 1898 (SPHERES OF INFLUENCE IN CENTRAL
AFRICA). (*Signed at London, March 21, 1899.*)

(*Ratifications exchanged at Paris, June 13, 1899.*)

The Undersigned, duly authorised by their Governments, have signed the following Declaration :—

Art. IV. of the Convention of the 14th June, 1898, shall be completed by the following provisions, which shall be considered as forming an integral part of it—

1. Her Britannic Majesty's Government engages not to acquire either territory or political influence to the west of the line of frontier defined in the following paragraph, and the Government of the French Republic engages not to acquire either territory or political influence to the east of the same line.

2. The line of frontier shall start from the point where the boundary between the Congo Free State and French Territory meets the water-parting between the watershed of the Nile

and that of the Congo and its affluents. It shall follow in principle that water-parting up to its intersection with the 11th parallel of north latitude. From this point it shall be drawn as far as the 15th parallel in such manner as to separate, in principle, the Kingdom of Wadai from what constituted in 1882 the Province of Darfur ; but it shall in no case be so drawn as to pass to the west beyond the 21st degree of longitude east of Greenwich ($18^{\circ} 40'$ east of Paris), or to the east beyond the 23rd degree of longitude east of Greenwich ($20^{\circ} 40'$ east of Paris).

3. It is understood, in principle, that to the north of the 15th parallel the French zone shall be limited to the north-east and east by a line which shall start from the point of intersection of the Tropic of Cancer with the 16th degree of longitude east of Greenwich ($13^{\circ} 40'$ east of Paris), shall run thence to the south-east until it meets the 24th degree of longitude east of Greenwich ($21^{\circ} 40'$ east of Paris), and shall then follow the 24th degree until it meets to the north of the 15th parallel of latitude, the frontier of Darfur as it shall eventually be fixed.

4. The two Governments engage to appoint Commissioners who shall be charged to delimit on the spot a frontier-line in accordance with the indications given in paragraph 2 of this Declaration. The result of their work shall be submitted for the approbation of their respective Governments.

It is agreed that the provisions of Art. IX. of the Convention of the 14th June, 1898, shall apply equally to the territories situated to the south of the $14^{\circ} 20'$ parallel of north latitude, and to the north of the 5th parallel of north latitude, between the $14^{\circ} 20'$ meridian of longitude east of Greenwich (12^{th} degree east of Paris) and the course of the Upper Nile.

Done at London the 21st March, 1899.

(L.S.) SALISBURY.

(L.S.) PAUL CAMBON.

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